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## National Basketball Association General Managers: An Analysis of the Responsibilities, Qualifications and Characteristics

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# NATIONAL BASKETBALL ASSOCIATION GENERAL MANAGERS: AN ANALYSIS OF THE RESPONSIBILITIES, QUALIFICATIONS AND CHARACTERISTICS

GLENN M. WONG<sup>1</sup>

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## I. INTRODUCTION

It's harder to find capable GMs than it is coaches because there are so many hats you have to wear as GM. It's a leadership position. It's an executive position. You have to judge talent. More so, you have to judge the people you're working with. It requires a levelheaded, cool approach. You have to have endless energy, for it's a 24/7 job.<sup>3</sup>

Being General Manager (GM) of a professional sports team remains one of the most desirable jobs in all of sports. The ability to control an organization and the possibility of leading it to a championship often makes the endless hours, duties, difficulties and lack of job security worthwhile. Not surprisingly then, there are people from all walks of life who work to obtain a GM position. In our article *Major League Baseball General Managers: An Analysis of Their Responsibilities, Qualifications and Characteristics*,<sup>4</sup> we discussed the role of a Major League Baseball (MLB) GM running an organization, while examining the evolving paths people have taken to obtain the GM position.<sup>5</sup>

In MLB, there has been a clear trend emphasizing younger, highly educated people with a statistical analysis approach, while placing less emphasis on playing or coaching experience.<sup>6</sup> This trend can largely be credited to "Moneyball," the 2003 Michael Lewis book detailing Oakland Athletics' GM Billy Beane's emphasis on objective and unique statistical analysis.<sup>7</sup> Through quantitative analysis, Beane was able to exploit inefficiencies in the player mar-

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3. Steve Aschburner, *Growing Role of GM Makes Good Front Office Leaders Hard to Find*, SI.COM (May 15, 2009), [http://sportsillustrated.cnn.com/2009/writers/steve\\_aschburner/05/15/ge-neral.managers/index.html](http://sportsillustrated.cnn.com/2009/writers/steve_aschburner/05/15/ge-neral.managers/index.html).

4. Glenn M. Wong & Chris Deubert, *Major League Baseball General Managers: An Analysis of Their Responsibilities, Qualifications and Characteristics*, 18 NINE: J. BASEBALL HIST. & CULTURE, 74 (Spring 2010).

5. See generally *id.* (reviewing and analyzing General Manager position in MLB).

6. See *id.* at 117-21 (discussing decline of playing and coaching experience of MLB GMs and trend toward younger, highly educated individuals).

7. See MICHAEL LEWIS, *MONEYBALL: THE ART OF WINNING AN UNFAIR GAME* *passim* (2003) (examining use of statistical analysis by Billy Beane and others to achieve MLB success).

ket and turn a low revenue team into a legitimate contender.<sup>8</sup> Many of Beane's disciples went on to lead other teams, including Paul DePodesta, GM for the Dodgers, and J.P. Ricciardi, GM for Blue Jays.<sup>9</sup> Soon, nearly every team in baseball began to do extensive statistical analysis, and the Tampa Bay Rays reached the 2008 World Series with thirty-two-year old former investment banker Andrew Friedman as their GM.<sup>10</sup> This paper will examine the possibility of a similar trend in the National Basketball Association (NBA).

In 2008, the revenue of the NBA and its thirty teams was expected to reach \$3.5 billion.<sup>11</sup> Teams range in value from roughly \$250 million (Milwaukee Bucks) upwards to \$600 million (Los Angeles Lakers).<sup>12</sup> At the same time, NBA player salaries average \$5.34 million, the highest in professional sports,<sup>13</sup> despite the presence of a salary cap, albeit a soft one, that will be explained in more detail later.<sup>14</sup> Consequently, NBA teams and GMs have many of the same financial incentives as Beane and MLB GMs to try to operate efficiently and effectively.

Baseball is a sport of definable and repetitive scenarios between a hitter and a pitcher that lends itself to statistical analysis. Basketball is a more fluid team game and consequently has been slower in embracing comprehensive statistical analysis for player personnel decisions. Presently, the standard bearer for statistical analysis in the NBA is Houston Rockets GM Daryl Morey (2007 – present).<sup>15</sup> Morey, who did not play basketball in college, gradu-

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8. See *id.* at 119-37 (discussing Beane's use of statistical analysis to achieve efficiencies and success).

9. See Rob Neyer, *Moneyball Goes Hollywood*, ESPN.COM (Feb. 17, 2004), [http://sports.espn.go.com/mlb/columns/story?columnist=neyer\\_rob&id=1737077](http://sports.espn.go.com/mlb/columns/story?columnist=neyer_rob&id=1737077) (reporting Beane's influence on management strategies of both DePodesta and Ricciardi).

10. See Wong, *supra* note 4, at 74-75 (discussing background of 2008 Tampa Bay Rays GM).

11. See John Lombardo, *NBA Increases Shared Revenue by 63 Percent*, SPORTS BUS. J. (Apr. 28, 2008), [www.sportsbusinessjournal.com/article/58828](http://www.sportsbusinessjournal.com/article/58828) (reporting that NBA revenue expected to reach \$3.5 billion in 2008).

12. See *NBA Team Valuations*, FORBES (Dec. 9, 2009), [www.forbes.com/lists/2009/32/basketball-values-09\\_NBA-Team-Valuations\\_Rank.html](http://www.forbes.com/lists/2009/32/basketball-values-09_NBA-Team-Valuations_Rank.html) (listing valuation of thirty NBA teams based on then-current arena deal without deduction for non-arena debt).

13. See GLENN M. WONG, *ESSENTIALS OF SPORTS LAW* § 1.2.1 (Greenwood Publishing Group) (4th ed. 2010) (discussing range of average salaries across various sports).

14. See *infra* Part II.A. (discussing salary cap).

15. See Jason Friedman, *Rocket Science: Daryl Morey Brings Hard-Core Statistical Analysis to the NBA*, HOUS. PRESS (Oct. 31, 2007), <http://www.houstonpress.com/2007-11-01/news/rocket-science/> (reporting on Morey's application of statistical analysis to professional basketball).

ated from Northwestern University with a degree in computer science and went on to earn his Masters in Business Administration (MBA) from the MIT Sloan School of Management.<sup>16</sup> After MIT, Morey worked for STATS LLC, the industry leader in sports statistics, before his appearance in the NBA with the Boston Celtics in 2003.<sup>17</sup> In April 2006 he became Assistant General Manager of the Rockets and had to wait only one year to take over as GM.<sup>18</sup> Since that time, Morey has emphasized the use of objective statistical data in making personnel decisions at a level never done before in the NBA.

Morey's intelligence and relative success (a 150 – 96 record in his first three seasons despite having a payroll that has averaged twelfth highest in the league during his tenure) has drawn interest, acclaim and of course copycats.<sup>19</sup> Just as MLB teams began to copy Beane's methods, NBA teams are increasingly emphasizing statistical analysis and a few teams have hired GMs who consider it a top priority.<sup>20</sup> Among these GMs is Sam Presti, hired as GM of the Seattle Supersonics (now the Oklahoma City Thunder) prior to the 2007-08 season.<sup>21</sup>

Many people believe that GMs who emphasize statistical analysis will become increasingly prevalent in the NBA, although remaining to be seen whether they will proliferate as much as they have in MLB. As a result of that proliferation, the characteristics and qualifications of MLB GMs changed fairly substantially from 1989 to 2009.<sup>22</sup> In contrast, the characteristics and qualifications of NBA GMs have not seen any major changes over this same period. Perhaps the NBA's change is coming, or perhaps statistics cannot be separated out and refined to the extent that they can be in MLB.

16. See Howard Beck, *Houston's G.M. is a Revolutionary Spirit in a Risk-Averse Mind*, N.Y. TIMES, Jan. 28, 2008, at D1 (reporting Morey's education credentials).

17. See *id.* (reporting Morey's move from STATS LLC to Boston Celtics).

18. See Friedman, *supra* note 15 (reporting Morey's move to Houston Rockets in April 2006 to begin one-year apprenticeship before taking over General Manager position).

19. See *USA Today Salaries Databases*, USA TODAY, <http://content.usatoday.com/sports/basketball/nba/salaries/> (last visited Oct. 29, 2010) (containing historical information regarding NBA team salaries).

20. See Friedman, *supra* note 15 (reporting hiring by NBA teams of GMs versed in statistical analysis).

21. See Johnny Ludden, "Resident Genius," SAN ANTONIO EXPRESS-NEWS, OCT. 1, 2006, at C1 (reporting Presti's use of statistical analysis at San Antonio Spurs); see also Mike Monroe, *Houston Defies Front-Office Convention*, SAN ANTONIO EXPRESS-NEWS, Apr. 2, 2006, at C10 (describing Presti's use of statistical analysis).

22. See Wong, *supra* note 4, at 109-21 (reviewing and analyzing changes in MLB GM characteristics between 1989 and 2009, including playing experience, coaching experience, education, age, gender, race, family ties and career paths).

The first part of this article will discuss the many duties of a NBA GM and how they have changed over time. Next, this article will examine the characteristics of NBA GMs and how they have changed, including their playing experience, coaching experience, age, education, race and career paths. Finally, this article will conclude by discussing the most common paths to the NBA GM position, with an eye towards how these paths might change in the future.

## II. THE DUTIES OF A NBA GENERAL MANAGER (GM)

Where we are today in the game, it's all one interconnected web of activity. You just can't do contracts or plan for the future without having your toe in the talent pool. You can't just be a talent guy without having an idea about what the contractual situations are for the various players around the league and what your team can handle now and in the future.<sup>23</sup>

As the opening Pat Williams quote and the above Chris Wallace quote suggest, being a NBA GM requires wearing several different hats. A GM will generally be involved in nearly all operations of the club, including business operational items such as finances, marketing, stadium issues and media and public relations. Then, of course, the GM is responsible for basketball operations such as coach selection, scouting, contract negotiations and perhaps most importantly, player personnel decisions. Whether the GM has decision-making authority or merely advisory input into each of these categories varies from team to team. Obviously, the teams' success in all of its operations is quite difficult if the team does not first succeed on the court.

As the business of the NBA has grown, so too have the legal, financial and operational complications therein. Consequently, NBA front offices have grown to cover these many areas. As a result the title of "General Manager" does not always mean what it meant historically. This article will focus on the person in the front office who has "final say" in basketball operations and player personnel matters, which generally entails hiring the coach and choosing which players to draft, trade and sign. In today's NBA, there are several General Managers who do not have final say, and often

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23. Shira Springer, *Ainge Deal May Be Close, Wallace Says He'll Be Happy to Stay Deal to Bring in Ainge*, BOSTON GLOBE, May 9, 2003, at D1 (quoting Chris Wallace, current Memphis Grizzlies GM and former Boston Celtics GM).

times the person with final say might have the title of President of Basketball Operations, or simply, President. Consequently, whenever this article refers to a General Manager, or "GM," we are referring to the person with final say, even if GM is not always their specific title.

#### A. Salary Cap Management & Contract Negotiations

Salary caps are a provision unique to professional sports and can exist only through the execution of a collective bargaining agreement (CBA).<sup>24</sup> The NBA's most recent CBA with the National Basketball Players Association (NBPA) was agreed to in July 2005 and runs through the 2010-2011 season.<sup>25</sup> The CBA is a complex legal and financial document that controls the terms and conditions of employment for NBA players and affects nearly every facet of NBA business. Understanding the CBA is essential to a NBA GM's job duties.

The NBPA recognizes the value of a salary cap in providing parity and cost certainty to a league where teams require their competitors to be of some competitive value to sustain the value of their product.<sup>26</sup> The NBPA balances that recognition with the negotiation of a "soft" salary cap, one in which teams can exceed the salary

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24. A salary cap is essentially an agreement among thirty individual NBA clubs, as competitors, to restrict player compensation. Generally, such an agreement would be a violation of antitrust law. When teams negotiate such restrictions into CBAs with the players associations, however, the agreements are exempt from antitrust laws due to what is known as the non-statutory labor exemption. *See, e.g., Brown v. Pro Football Inc.*, 518 U.S. 231, 242 (1996) (recognizing exemption from antitrust laws for collective bargaining agreements in professional sports); *see also Local Union No. 189, Amalgamated Meat Cutters & Butcher Workmen v. Jewel Tea Co.*, 381 U.S. 676, 682 (1965) (recognizing labor exemption from antitrust laws); *Allen Bradley Co. v. Local Union No. 3, Int'l Bhd. of Elec. Workers*, 325 U.S. 797, 805 (1945) (discussing legislative exception from antitrust laws for labor unions, related to collective bargaining agreements); *Mackey v. Nat'l Football League*, 543 F.2d 606, 611-12 (8th Cir. 1976) (discussing history of labor exemption from antitrust laws); *McNeil v. NFL*, 790 F. Supp. 871, 884 (D. Minn. 1992) (recognizing non-statutory labor exemption from antitrust laws in context of professional sports); *Powell v. NFL*, 678 F. Supp. 777, 781-89 (D. Minn. 1988) (discussing non-statutory labor exemption from antitrust laws in context of professional sports); *Bridgeman v. NBA*, 675 F. Supp. 960, 963-66 (D.N.J. 1987) (discussing non-statutory labor exemption from antitrust laws in context of professional sports).

25. *See* NBA-NBPA Collective Bargaining Agreement, NBA PLAYERS ASSOCIATION at art. XXXIX, available at [www.nbpa.org/cba/2005](http://www.nbpa.org/cba/2005) [hereinafter NBA CBA] (outlining collective bargaining agreement's duration, from 2005 to 2010-11 season).

26. *See Chicago Prof'l Sports Ltd. P'ship v. NBA*, 961 F.2d 667, 670-72 (7th Cir. 1992) (discussing Sports Broadcasting Act's protection of professional sports teams from antitrust laws in certain respects).

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cap through the use of exceptions that will be discussed in more detail below. In contrast, the National Football League (NFL) and the National Hockey League (NHL) have “hard” salary caps that cannot be exceeded.<sup>27</sup>

With the NBPA, the NBA was the first league to agree to a salary cap, which was installed in the 1984-85 season at \$3.6 million per team.<sup>28</sup> Since that time, five more CBAs have been accepted, each adding increasing layers of complexity to the salary cap system.<sup>29</sup> For the 2010-11 season, the NBA salary cap was \$58.044 million, a 1600% increase from the original salary cap.<sup>30</sup> The increasing complexities of the salary cap and the money involved have changed the role of a NBA GM and front office. While most teams have added positions whose sole job is to monitor the salary cap and contract values, certainly NBA GMs also must have a thorough knowledge of the salary cap system.<sup>31</sup> The salary cap needs to be discussed before the other duties of a GM because many of the GM’s tasks stem from the collectively bargained salary cap rules.

Risk is perhaps an underused word in the N.B.A. With small roster sizes, a salary cap and a luxury tax (which serves as a virtual ceiling on payrolls), franchises can ill afford to make a mistake when signing a player. Just as important as assessing a player’s skills is assessing his value—or “what do they produce per dollar.”<sup>32</sup>

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27. See NFL Collective Bargaining Agreement, NFL PLAYERS ASSOCIATION, at art. XXIV, available at <http://images.nflplayers.com/mediaResources/files/PDFs/General/NFL%20COLLECTIVE%20BARGAINING%20AGREEMENT%202006%20-%202012.pdf> (outlining salary cap of collective bargaining agreement between NFL and players’ association); NHL Collective Bargaining Agreement, art. 50, available at <http://www.nhl.com/cba/2005-CBA.pdf> (outlining salary cap of collective bargaining agreement between NHL and players’ association).

28. See *NBA Salary Cap*, INSIDEHOOPS.COM, [www.insidehoops.com/nba-salary-cap.shtml](http://www.insidehoops.com/nba-salary-cap.shtml) (last visited Oct. 29, 2010) (listing historical data regarding NBA salary cap).

29. See Larry Coon, NBA Salary Cap FAQ, CBAFAQ.COM, <http://members.cox.net/lmcoon/salarycap.htm> (last visited Oct. 29, 2010) (explaining history of NBA collective bargaining agreements); see also Robert Bradley, *Labor Pains Nothing New to the NBA*, ASS’N FOR PROF. BASKETBALL RES., <http://www.apbr.org/labor.html> (last visited Oct. 29, 2010) (describing history of NBA collective bargaining agreements).

30. See *NBA Salary Cap*, *supra* note 28 (listing NBA salary cap information from 1984 to 2011).

31. See Maria Kantzavelos, *Dream Jobs, Lawyers Who Love What They Do*, CHICAGO LAW., Apr. 1, 2008, at 30 (discussing wide range of GM’s duties and responsibilities); see also Percy Allen, *Sonics Hand Reins to Presti*, SEATTLE TIMES, June 8, 2007 (relating GM job duties); *Suns Promote B. Colangelo to President*, THE ARIZONA REPUBLIC, Oct. 5, 1999, at C8 (noting variety of GM duties).

32. Beck, *supra* note 16, at D1.



Article VII of the NBA CBA addresses the salary cap.<sup>33</sup> The salary cap is calculated based on “Basketball Related Income” (BRI), which accounts for all revenues received by the teams, the league and their related entities in agreed upon percentages, most notably broadcasting fees, ticket sales, merchandise, luxury box sales, naming rights agreements and in-stadium revenues such as concessions and advertising.<sup>34</sup> Certain revenue streams are explicitly excluded from BRI calculations, including revenues from the sale of a team or the grant of an expansion team, revenue transfers among teams, anything of value received in connection with the construction or renovation of a team facility and revenues related to the NBA Development League.<sup>35</sup>

The league-wide salary cap is set at fifty-one percent (51%) of Projected BRI less Projected Benefits paid out to players divided by the thirty (30) teams.<sup>36</sup> Players are guaranteed at least fifty-seven percent (57%) of BRI in total salary and benefits.<sup>37</sup> In addition, teams must spend at least seventy-five percent (75%) of the salary cap.<sup>38</sup> As mentioned earlier, the NBA has a soft salary cap, meaning that there are several exceptions allowing teams’ payrolls to exceed the cap.<sup>39</sup> By way of the exceptions to be discussed below, teams often exceed their salary cap. If a team’s salary costs exceed sixty-one percent (61%) of an equal share of BRI, known as the “Tax Level” or “Luxury Tax,” they are required to pay a one dollar (\$1) tax for every dollar they exceed the Tax Level.<sup>40</sup> For example, the 2009-10 Los Angeles Lakers had the highest payroll in the NBA at \$93.1 million, well above the \$57.7 million salary cap.<sup>41</sup> In addition, they had to pay over \$21 million in luxury tax payments, one dollar for each dollar they exceeded the \$69.92 million luxury tax

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33. See NBA CBA, *supra* note 25, art. VII (outlining salary cap information for 2005 NBA CBA).

34. See *id.* §1(a)(1) (discussing components of BRI).

35. See *id.* §1(a)(2) (listing exceptions from BRI).

36. See *id.* § 2(a)(1) (explaining NBA salary cap calculation).

37. See *id.* § 2(e)(1) (outlining guaranteed payment to players of percentage of BRI).

38. See *id.* § 2(b)(1) (explaining NBA teams’ obligations to spend minimum percentage of salary cap).

39. See *id.* § 6 (explaining exceptions to NBA salary cap).

40. See *id.* § 12(f) (explaining team payments under escrow and tax arrangement).

41. See Mike Bresnahan, *Lakers FYI, Trade Appears Unlikely*, L.A. TIMES, Feb. 4, 2010, at 7 (reporting Los Angeles Lakers’ 2009-10 status as team with highest salary); see also Sekou Smith, *Recession Has Hit NBA*, ATLANTA J.CONST., July 19, 2009, at C2 (reporting Lakers willing to spend nearly any amount on salary).

threshold.<sup>42</sup> In 2009-10, about a third of the league paid a luxury tax.<sup>43</sup> The tax is paid to the NBA, who then gives each team that did not exceed the Tax Level a 1/30th share.<sup>44</sup> Any additional money is used to fund escrow payments made to players or for other league purposes.<sup>45</sup>

Proper use of the exceptions is an integral part of developing and maintaining the best roster possible. One exception is the Bi-annual Exception, which allows a team to sign a player to a contract that cannot exceed two seasons and provides for a first year salary of \$1.99 million in 2009-10.<sup>46</sup> The Bi-annual Exception can only be used during three of the six years of the CBA and cannot be used in two consecutive seasons.<sup>47</sup> Shannon Brown of the Lakers and Marquis Daniels of the Celtics were two players, worth \$1.99 million, that played under the Bi-annual Exception during the 2009-10 season.<sup>48</sup>

The Mid-Level Salary Exception allows teams to sign a player to a contract not exceeding five seasons in length where the first year salary does not exceed 108% of the average NBA player salary for the prior season.<sup>49</sup> In 2009-10, the San Antonio Spurs used the \$5.8 million Mid-Level Exception on a one-year deal for forward Antonio McDyess.<sup>50</sup> The terms of the exception, however, can often be quite limiting. For example, prior to the 2009-10 season, Lamar Odom was an unrestricted free agent with an offer for a multi-year deal worth \$10 million per season.<sup>51</sup> His suitors, how-

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42. See Tom Ziller, *11 NBA Teams Set to Pay Luxury Tax*, FANHOUSE (Feb. 19, 2010, 4:21 PM, ET), <http://nba.fanhouse.com/2010/02/19/11-nba-teams-set-to-pay-luxury-tax/> (reporting luxury tax payments made by NBA teams for 2009-10 season).

43. See *id.* (reporting eleven teams as paying luxury tax for 2009-10 season, which is approximately one-third of the league).

44. See NBA CBA, *supra* note 25, at art. VII § 12(g) (describing escrow account and tax payout process).

45. See *id.* (explaining additional uses of luxury tax payments).

46. See *id.* § 6(d) (outlining Bi-annual Exception).

47. See *id.* (providing limitations on Bi-annual Exception).

48. See Frank Dell'Apa, *Celtics Get Their Man, Daniels Turns Down Cash to Join Green*, BOSTON GLOBE, Sept. 5, 2009, at 6 (reporting on contract negotiations between Marquis Daniels and Boston Celtics); see also Broderick Turner, *Non-Odom Options Aren't Pretty for Lakers*, L.A. TIMES, July 16, 2009, at 6 (discussing Los Angeles Lakers signing Shannon Brown).

49. See NBA CBA, *supra* note 25, art. VII § 6(e) (describing mid-level exception to collective bargaining agreement).

50. See Jeff McDonald, *The Best Team Money Can Buy*, SAN ANTONIO EXPRESS-NEWS, July 16, 2009, at A1 (discussing roster moves made by San Antonio Spurs, including signing Antonio McDyess).

51. See Turner, *supra* note 48 (reporting offer by Jerry Buss, Lakers owner, to Odom for deal worth three years at \$10 million per year).

ever, were unwilling to offer him more than the Mid-Level Exception, forcing him to eventually resign with the Lakers for a deal worth just over \$8 million per season.<sup>52</sup>

Additionally, the Minimum Salary Exception permits a contract not exceeding two years and paying the player the minimum salary in the first season to be exempt from the salary cap.<sup>53</sup> Minimum salaries depend upon the player's experience, ranging from \$473,604 for rookies to \$1,352,181 for players with ten or more years experience in 2010-11.<sup>54</sup> There is also a Traded Player Exception which will be discussed in more detail later.<sup>55</sup>

The most important exception is the Veteran Free Agent Exception, generally referenced as the "Larry Bird Exception."<sup>56</sup> The Veteran Free Agency Exception allows a team to resign a Qualifying Veteran Free Agent for the maximum amounts under the CBA and have that contract not count against the salary cap.<sup>57</sup> A Qualifying Veteran Free Agent is a player who completed his player contract and played for the same team for the previous three seasons or switched only because of a trade.<sup>58</sup> The maximum allowable salary varies according to the player's experience: for a player with fewer than seven years, the player can earn the greater of twenty-five percent (25%) of the salary cap, 105% of his prior season's salary or \$9 million.<sup>59</sup> For a player with seven to nine years of experience, the

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52. See Elliott Teaford, *Odom Is Stuck at Buss Stop*, DAILY NEWS (L.A.), July 15, 2009, at C1 (discussing contract negotiations between Lakers and Lamar Odom); see also Broderick Turner, *Heat's off Odom, Who Stays in L.A. Free Agent Agrees to a Deal That's Not as Sweet as Earlier Offer from Lakers, but He Was Never Worried*, L.A. TIMES, July 31, 2009 (describing how Odom signed with Lakers for mid-level exception).

53. See NBA CBA, *supra* note 25, art. VII § 6(g) (outlining process for Minimum Salary Exception).

54. See *id.* Exhibit C (presenting minimum salary charts for different years of service in NBA).

55. See *id.* art. VII § 6(h) (describing logistics of Traded Player Exception). For a discussion of the Traded Player Exception, see *infra* notes 120-137 and accompanying text.

56. See *id.* (outlining veteran free agent exception); see also Rachel Shuster & Roscoe Nance, *Jordan Group Puts Objections in Mail*, USA TODAY, Aug. 22, 1995, at 03C (discussing players' objections to restricting Bird Exception); Eddie Sefko, *Expect Tweaks in Kidd Trade: Both Sides Anticipate Quick Resolution, but with Some Changes*, DALLAS MORNING NEWS, Feb. 16, 2008, at 1C (describing Devean George as Larry Bird Exception player); Phil Jasner, *Battle Begins for Player Vote*, PHILA. DAILY NEWS, Aug. 17, 1995, at 84 (discussing player vote against restricting Larry Bird Exception).

57. See Sefko, *supra* note 56 (outlining details of Larry Bird Exception).

58. See NBA CBA, *supra* note 25, art. I § 1(ss), (uuu) (defining "Qualifying Veteran Free Agent" and "Veteran Free Agent," respectively).

59. See *id.* art. II § 7(a)(i) (detailing maximum annual salary for players with under seven years experience).

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numbers jump to thirty percent (30%) and \$11 million respectively.<sup>60</sup> Finally, a player with ten or more years in the league can earn thirty-five percent (35%) of the salary cap, 105% of his prior year's salary or \$14 million.<sup>61</sup> Additionally, player contracts are limited to five seasons or six seasons if the player is resigning with his current team.<sup>62</sup>

The Veteran Free Agency Exception, coupled with the rule allowing teams to resign their players to longer contracts than they could receive on the open market, enabled teams to keep their own young stars.<sup>63</sup> In other sports, players may be tempted to leave because another team is offering a longer contract or higher salary. In the NBA, however, the player's existing team has the unique ability to offer the longest contract, at the highest possible salary, and not have that contract count against the salary cap.<sup>64</sup> As a result, a team can convince its own player to resign in part by promising to use that salary cap space to lure another top free agent.<sup>65</sup>

Ed Stefanski, the 76ers' GM since 2007, explained that "[b]ecause of those increases, the home team has an advantage, can give them the most money. . . [i]t's geared for the home team."<sup>66</sup> Agent Marc Cornstein agreed, stating that "[t]he likelihood is that the majority of the upper-echelon free agents are going to remain where they are right now because the money is so slanted toward the home team. The home team gets that advantage: They get the first crack and the best crack."<sup>67</sup> Recent examples of the Veteran Free Agency Exception include Kobe Bryant's three-year \$84 million extension with the Lakers in 2010 and Dwight Howard's five-

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60. See *id.* art. II § 7(a)(ii) (detailing maximum annual salary for players with seven to ten years of service).

61. See *id.* art. II § 7(a)(iii) (detailing maximum annual salary for players with at least ten years of service).

62. See *id.* art. IX, § 1 (describing maximum length of player contracts).

63. See Jorge Castillo, *NBA Free Agency: Salary Cap Exceptions Explained*, WASH. POST (July 3, 2010), <http://www.washingtonpost.com/wp-dyn/content/article/2010/07/02/AR20107020-2011.html> (describing impact of exceptions to salary cap and benefits for players and agents).

64. See Howard Beck, *Got a Question About the NBA Salary Cap? He's Your Man*, N.Y. TIMES (Jan. 12, 2009), <http://www.nytimes.com/2009/01/13/sports/basketball/13cap.html> (interviewing man who runs potentially only website specifically dedicated to explaining NBA salary cap).

65. See Kate Fagan, *NBA's Top Talents Rarely Roam; Why Most of the Big-Name Free Agents of 2010 Can't Be Lured Away*, PHILA. INQUIRER, Feb. 16, 2009, at E1 (explaining possible use of salary cap).

66. *Id.*

67. *Id.*

year \$80 million extension with the Magic in 2007.<sup>68</sup> Prior to the 2006-07 season, LeBron James, Dwyane Wade and Chris Bosh all signed three-year extensions with a player option for the maximum amount (around \$63 million) with the idea of hitting free agency again while still in their prime.<sup>69</sup> Clearly, James, Wade and Bosh capitalized on this prior to the 2010-2011 season when all three signed with the Miami Heat.<sup>70</sup>

As of the 2009-10 season, the twenty-five highest paid players in the NBA all signed their current contracts as part of a Veteran Free Agency Exception.<sup>71</sup> Using the Veteran Free Agency Exception is essential for a GM to retain his best players and keep the fan base happy.<sup>72</sup> The many complexities in the NBA salary cap are one reason why Houston Rockets owner Leslie Alexander hired numbers man Daryl Morey to run the team.<sup>73</sup> "If you make a mistake in that area, it kills you for a chance to win championships," Alexander said, referring to player contracts.<sup>74</sup> "I wanted to have a system that was the most efficient and make the least amount of mistakes."<sup>75</sup>

A GM's job negotiating rookie contracts is made far easier by the fact that rookie salaries and contract lengths are limited to a very rigid slotting scale, avoiding the headaches over rookie compensation notable in the NFL.<sup>76</sup> Rookie contracts are limited to

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68. See Broderick Turner, *Lakers FYI, Bryant Isn't Going Anywhere*, L.A. TIMES, Apr. 3, 2010, at 6 (discussing Kobe Bryant's contract); see also Tim Povtak, *Those Salary Numbers Can Boggle the Mind*, ORLANDO SENTINEL, July 13, 2007, at D6 (discussing Dwight Howard's contract).

69. See David Aldridge, *Signing Trend Paves the Way for Payoff; With 3-year Deals, Young NBA Stars Have Secured Themselves Even Bigger Money in 2010*, PHILA. INQUIRER, Jul. 16, 2006, at E3 (describing trend of young superstars with plans of signing large contracts).

70. See *HEAT Re-Sign Wade and Acquire James and Bosh*, NBA.COM (July 10, 2010, 2:20 AM), [http://www.nba.com/heat/news/heat\\_resign\\_wade\\_acquire\\_bosh\\_james\\_2010\\_07\\_10.html](http://www.nba.com/heat/news/heat_resign_wade_acquire_bosh_james_2010_07_10.html) (indicating James, Wade and Bosh signed with Heat in offseason).

71. See *Salaries*, HOOPSHYPE.COM, <http://hoopshype.com/salaries.htm> (last visited Oct. 29, 2010) (listing top NBA individual salaries and team payrolls).

72. See Castillo, *supra* note 63 (describing exceptions to salary cap and benefits for players and agents).

73. See Beck, *supra* note 16 (discussing impact of salary caps for different teams).

74. *Id.*

75. *Id.*

76. See NBA CBA, *supra* note 25, art. VIII (describing rookie scale contracts); see also Gary Myers, *Money Guaranteed, Satisfaction Is Not, Stafford Contract at Root of Rookie Wage Dilemma*, DAILY NEWS (N.Y.) Apr. 26, 2009 (Metro Edition), at 61 (discussing rising rookie wages in NFL); NBA CBA, *supra* note 25, Exhibit B (presenting chart for all rounds of NBA draft); Calvin Watkins, *Owners Feeling Pinch of Wallets: Teams Look to Capping Deals of Draft Picks to Relieve Salary Stress*, DALLAS

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two years with team options for a third and fourth season.<sup>77</sup> In 2009-10, allowable first year salaries ranged from \$824,200 for the last pick of the first round to \$4,152,900 for the first overall pick.<sup>78</sup>

GMs have to make important decisions regarding Restricted Free Agents.<sup>79</sup> A Restricted Free Agent is a former first round pick that played all four years of his rookie contract, including both option years, and was given a Qualifying Offer by his team after the season.<sup>80</sup> A Qualifying Offer is a one-year deal for the player's fourth year salary plus a percentage increase based on their original first round draft position.<sup>81</sup> The required percentage increases range from fifty percent (50%) for the last pick of the first round to thirty percent (30%) for the first overall pick.<sup>82</sup> For Blake Griffin, the number one overall pick of the 2009 Draft by the Los Angeles Clippers, assuming the Clippers exercised the third and fourth year options, his Qualifying Offer would be \$7,829,133.<sup>83</sup> In comparison, the Qualifying Offer for Christian Eyenga, the last pick of the 2009 first round by the Cleveland Cavaliers, would be \$2,566,169.<sup>84</sup> If the team makes a Qualifying Offer, the team gets a Right of First Refusal (ROFR), or a right to match any contract offered to the player.<sup>85</sup>

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MORNING NEWS, Apr. 20, 2008, at 13C ("[A] rookie salary cap could curtail spending by NFL teams.").

77. See NBA CBA, *supra* note 25, art. VIII, § 1(a) ("Each Rookie Scale Contract between a Team and a First Round Pick shall cover a period of two (2) Seasons, but shall have an Option in favor of the Team for the player's third Season and a second Option in favor of the Team for the player's fourth Season.").

78. See *id.* Exhibit B (supplying salary limits for rookies).

79. See Paul Forrester, *Inside the NBA, Free Agency Wish Lists*, SI.COM (June 23, 2010), [http://sportsillustrated.cnn.com/2010/writers/paul\\_forrester/06/23/free.agent.team.needs/index.html](http://sportsillustrated.cnn.com/2010/writers/paul_forrester/06/23/free.agent.team.needs/index.html) (detailing needs and desires of NBA teams to be fulfilled by free agent players).

80. See NBA CBA, *supra* note 25, art. I, § 1(yy) ("Restricted Free Agent" means a Veteran Free Agent who is subject to a Team's right of first refusal in accordance with Article XI."); see also *id.* art. XI, § 4(a)(i) ("From the day following the Season covered by the second Option Year of a First Round Pick's Rookie Scale Contract through the immediately following June 30, the player's Team may make a Qualifying Offer to the player.").

81. See *id.* art. I, § 1(rr) (defining qualifying offer); see also *id.* Exhibit B (illustrating Qualifying Offer calculations).

82. See *id.* Exhibit B (listing percentages of salary that team must pay player when using Qualifying Offer).

83. See *id.* (using chart for 2009-10 NBA Rookie Scale, Blake Griffin's Qualifying Offer can be determined by making necessary calculations with figures listed in first row for number one overall pick).

84. See *id.* (using chart for 2009-10 NBA Rookie Scale, Christian Eyenga's Qualifying Offer can be determined by making necessary calculations with figures listed in last row for last pick of the first round).

85. See NBA CBA, *supra* note 25, art. XI, § 4(a)(i) ("If such a Qualifying Offer is made, then, on the July 1 following such Season, the player shall become a Re-

Related to salary cap management, among the GM's most important roles are contract negotiation and dealing with player agents.<sup>86</sup> As discussed above, however, quite often players fit into one of the exceptions or salary scales within the CBA.<sup>87</sup> In addition, a contract signed by a free agent can only increase or decrease by 10.5% from year to year and performance bonuses cannot exceed twenty-five (25%) of a player's salary for any given season.<sup>88</sup> As a result, there is little wiggle room for both the player and the team in negotiations. For example, if there is a general perception that a Veteran Free Agent is worth the Mid-Level exception, teams will offer the player the same amount of money with the only variance being the contract length. Teams will always seek to use the salary cap exceptions and consequently, either the player is willing to accept the pre-determined terms of that exception or not.

As a result of the highly regulated structure of contracts, many players, including Ray Allen and Chris Webber, have foregone the use of agents at some point in their careers.<sup>89</sup> Agents' commissions are limited to 4% of the contract's value.<sup>90</sup> Nevertheless, there are still some very influential agents in the industry, notably Arn Tellem, Mark Bartelstein, Jeff Schwartz, Bill Duffy and Dan Fegan, who collectively represent 134 players who made over \$715 million in 2009-10.<sup>91</sup>

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stricted Free Agent, subject to a Right of First Refusal in favor of the Team ("ROFR Team"), as set forth in Section 5 below.").

86. See Steve Aschburner, *Inside the NBA: Growing Role of GM Makes Good Front Office Leaders Hard to Find*, SI.COM (May 15, 2009), [http://sportsillustrated.cnn.com/2009/writers/steve\\_aschburner/05/15/general.managers/index.html](http://sportsillustrated.cnn.com/2009/writers/steve_aschburner/05/15/general.managers/index.html) (describing multiple important roles of GM).

87. For a discussion of salary cap exceptions, see *supra* notes 39-75 and accompanying text.

88. See NBA CBA, *supra* note 25, art. VII, § 5(c)(2)(i) ("The player's Salary, excluding Incentive Compensation, may increase or decrease in relation to the previous Salary Cap Year's Salary, excluding Incentive Compensation, by no more than 10.5% of the Regular Salary for the first Salary Cap Year covered by the Contract."); see also *id.* art. VII, § 5(d)(1) ("Notwithstanding any other provision of this Agreement, no Player Contract may provide for Unlikely Bonuses in any Salary Cap Year that exceed 25% of the player's Regular Salary for such Salary Cap Year.").

89. See Marc J. Spears, *NBA Stars Flying Solo, Denver's McDyess, Van Exel Part of Trend to Shed Agents*, DENVER POST, Nov. 28, 2001, at D-01 (discussing players' choice to forego their use of agents).

90. See NBPA Regulations Governing Player Agents, § 4(B), available by contacting the National Basketball Players Association at [www.nbpa.com](http://www.nbpa.com) (discussing agent's commission in comparison to player's salary).

91. See HoopsHype.com, Agents, <http://hoopshype.com/agents.htm> (last visited Oct. 29, 2010) (listing agents and their earnings).

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Agents serve as the intermediary between the team and the player.<sup>92</sup> Accordingly, having a good relationship with a player's agent can help keep a player happy and performing at his best.<sup>93</sup> Former Magic GM John Weisbrod (2003 – 2006) noted the importance of understanding the agent's point of view, saying that "[a]gents are somewhat predictable. Negotiating with anybody is really similar. You just have to understand the seat that they are in. If you can do that, then you know the best way to deal with them."<sup>94</sup>

As will be discussed in the second half of this paper, most GMs are former NBA players or coaches who almost certainly had agents during their careers.<sup>95</sup> This familiarity with the role of an agent should help ease tensions and develop amicable and professional relationships.

### B. Roster Management

Ultimately, putting together a roster of talented basketball players is the most important duty of a NBA GM.<sup>96</sup> Without success on-the-court, the remainder of a NBA GM's duties become irrelevant because the GM is unlikely to keep his job.<sup>97</sup> Proper roster management includes filling every available spot on the roster, utilizing the NBA Development League (NBADL), signing free agents and making trades.<sup>98</sup>

NBA rosters consist of an Active List and an Inactive List.<sup>99</sup> The Active Roster, or the roster of players available to play in that day's game, is limited to twelve players.<sup>100</sup> The Inactive Roster consists of players who are unable to play in the game, whether because

92. See generally Paul D. Staudohar, *So You Want to Be a Sports Agent*, ALLBUSINESS.COM (Winter 2006), <http://www.allbusiness.com/human-resources/employee-benefits-benefits/4063876-1.html> (explaining history and importance of sports agents).

93. See *id.* (describing relationship between agent and GM).

94. John Denton, *Magic Want Answers Soon from McGrady*, FLA. TODAY, May 8, 2004, at 1.

95. See *infra* Part III.A-B. (discussing GMs as former NBA players).

96. See Jack Gage & Peter J. Schwartz, *Best General Managers in Sports*, FORBES, Mar. 2, 2007, [http://www.forbes.com/2007/03/02/sports-greatest-gms-biz-cz\\_jg\\_0302gms.html](http://www.forbes.com/2007/03/02/sports-greatest-gms-biz-cz_jg_0302gms.html) (describing criteria for best GMs).

97. See *id.* (explaining why some GMs were fired).

98. See NBA CBA, *supra* note 25, art., XXIX, § 1 (discussing amount of players required on Active List); see generally *id.* arts. XLII, XXXVIII, XXII, XXX, VII (addressing involvement with NBADL); see also *id.* XI (explaining rights involving free agency and negotiations).

99. See *id.* §§ 1-2 (governing size of Active and Inactive roster list).

100. See *id.* art. XXIX, § 1 ("Each Team agrees to have twelve (12) players on its Active List and to have a minimum of eight (8) players on the bench for all Regular Season games.").



of injury or the head coach's decision.<sup>101</sup> Teams must have at least one player on the Inactive Roster, though there is no upward limit and all NBADL players are technically on the Inactive Roster.<sup>102</sup>

In addition to the NBA roster, there is also the NBADL roster, which is meant to serve as a minor league to the NBA in the same way that MLB and NHL clubs utilize minor league teams.<sup>103</sup> As of the 2009-10 season, there were sixteen teams in the NBADL, all of whom were affiliated with one or more NBA teams.<sup>104</sup> NBA teams can assign a player from their roster to their NBADL affiliate provided the player has fewer than two years of NBA service time.<sup>105</sup> In addition, a player cannot be assigned to the NBADL more than three times per season.<sup>106</sup> More than fifteen percent (15%) of NBA players spent some time honing their skills in the NBADL, as did many coaches and referees.<sup>107</sup>

Signing big name free agents is often a matter of salary cap management, which was discussed in greater detail earlier in this article.<sup>108</sup> Nevertheless, choosing which players to sign is still a weighty decision. "You just can't make a mistake any more," long-time NBA executive Bob Whitsitt said; "If you do, it can—and probably should—cost you your job."<sup>109</sup>

During the season however, teams may sign and release less important players to 10-Day contracts or Rest-of-Season con-

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101. See *id.* art. I, § 1(aa) (describing inactive list). The "Inactive List" consists of "players, maintained by the NBA, who have signed Player Contracts with a Team and are otherwise ineligible to participate in a Regular Season game." *Id.*

102. See Coon, *supra* note 29 ("A team must have a minimum of one and a maximum of three players on its Inactive List, although they can drop to zero for up to two weeks at a time, and can temporarily have four with league approval in the event of a hardship.").

103. See *NBA D-League*, INSIDEHOOPS.COM, <http://www.insidehoops.com/nbdl.shtml> (last visited Oct. 29, 2010) (describing NBADL and its function).

104. See *id.* ("The NBA D-League will again have 16 teams playing in 2009-10 . . .").

105. See NBA CBA, *supra* note 25, art. XLII, § 1(a) (detailing rules for assigning players to NBADL affiliates). It is well-established that "a NBA Team may at any time assign a player on its Active List or Inactive List to a NBA Development League ('NBADL') team, provided that the player has either zero (0) or one (1) Years of Service at the time of the assignment." *Id.*

106. See *id.* art. XLII, § 1(b) (discussing number of NBADL assignments per season for each player).

107. See *NBA D-League Frequently Asked Questions*, NBA DEVELOPMENT LEAGUE, [http://www.nba.com/dleague/fan\\_faq.html](http://www.nba.com/dleague/fan_faq.html) (last visited Oct. 29, 2010) ("As of September 2008, there are approximately 75 NBA players, or more than 15 percent of the league, who have spent time in the NBA D-League.").

108. For a discussion of the effect of NBA CBA on team salary cap management, see *supra* Part II.A.

109. David Moore, *Front-office Shifts Prove Life at Top a High-stakes Game*, DALLAS MORNING NEWS, May 20, 1990, at 14B.

tracts.<sup>110</sup> You may not sign the same player to more than two 10-Day contracts in one season.<sup>111</sup> Additionally, 10-Day players are not subject to waivers.<sup>112</sup> Waivers are the system whereby teams have the chance to claim and assume responsibility for a player's contract when he is released by another team.<sup>113</sup> Teams' current records determine the order in which they may acquire a waived player, designating the team with the worst record the highest priority.<sup>114</sup> Teams have forty-eight hours within which to claim a waived player.<sup>115</sup>

One significant way in which teams construct their rosters is through trades. Successful trades require an open mind, creative solutions and good working relationships with other GMs.

You are always talking to GMs so that you know what is going on in the league. You may not make trades, but you always want to be in the loop . . . try to talk to other GMs to get a feel for what they're looking for in their team. The two things that come into play are: will the guy fit as a basketball player and personality with the team and what are the financial ramifications of his contract?<sup>116</sup>

The CBA contains extensive regulations concerning trades.<sup>117</sup> These rules are seemingly so specific and complex that ESPN.com has a web page called the "NBA Trade Machine" that allows fans to enter in possible trades and see if they will comply with NBA rules.<sup>118</sup>

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110. See NBA CBA, *supra* note 25, art. II, § 9-10 (discussing types of contracts teams can enter into with players).

111. See *id.* art. II, § 9(c) ("No Team may enter into a 10-Day Contract with the same player more than twice during the course of any one Season.").

112. See *id.* art. II, § 9(e) ("[A] 10-Day Contract shall be terminated simply by providing written notice to the player (and not by following the waiver procedure set forth in paragraph 16 of the Uniform Player Contract) and paying only such sums as are set forth in Exhibit 1 of such Contract.").

113. See *id.* Exhibit A, ¶ 16(f)(i)-(vi) (outlining league's waiver procedure for terminating players' contracts).

114. See *id.* Exhibit A, at A-16 (outlining waiver preferences for NBA franchises).

115. See *id.* (outlining procedure for claiming waived player).

116. Melody K. Hoffman, *Behind the Scenes: A Day in the Life of an NBA General Manager*, JET, Nov. 24, 2003, available at [http://findarticles.com/p/articles/mi\\_m1355/is\\_22\\_104/ai\\_11-1306266/](http://findarticles.com/p/articles/mi_m1355/is_22_104/ai_11-1306266/).

117. See NBA CBA, *supra* note 25, art. VII, § 8 (stating details of trade procedure for individual NBA franchises).

118. See *NBA Trade Machine*, ESPN.COM, <http://games.espn.go.com/nba/tradeMachine> (last visited Oct. 29, 2010) (allowing fans to track NBA franchises and potential player acquisitions).

Through the use of salary cap exceptions most teams generally operate above the salary cap.<sup>119</sup> This could create problems when players are traded and the new player's contract puts the team over the salary cap and does not fit into any of the exceptions discussed earlier. The Traded Player Exception helps avoid these complications.<sup>120</sup> When a team trades one or more players, the salaries of the players received in exchange cannot exceed \$100,000 plus 125% of the traded-away players' salaries.<sup>121</sup> This rule exists largely to prevent teams from simply dumping higher-paid players for suspect return such as future draft picks.

Many teams evade the purpose of the 125% rule by acquiring "expiring contracts" when trading away a high quality and high cost player of their own.<sup>122</sup> For example, if a struggling team wants to trade a quality player making \$10 million per year for several years to come, the team might acquire a draft pick and a player in the last year of his contract making \$8 million who is probably no longer worth that salary. The acquiring team only has to absorb the cost of the expiring contract for the remainder of that season and then gains that salary cap space in the next offseason while being free of the \$10 million obligation to their former player.

During the 2009-10 season, the struggling Washington Wizards traded Caron Butler (\$9.78m), Brendan Haywood (\$6m) and DeShawn Stevenson (\$3.886m) to the Dallas Mavericks for Josh Howard (\$10.89m), Drew Gooden (\$4.5m), James Singleton

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119. See David Aldridge, *Several Issues Will Come to Head During the NBA Labor Talks*, NBA.COM (Aug. 4, 2009, 2:57 PM), [http://www.nba.com/2009/news/features/david\\_aldrige/08/04/aldrige.labor/](http://www.nba.com/2009/news/features/david_aldrige/08/04/aldrige.labor/) (explaining many teams operate above salary cap threshold and pay more taxes as result).

120. See NBA CBA, *supra* note 25, art. VII, § 6(h) (detailing procedure for replacement players in event of trade).

121. See *id.* art. VII, § 6(h)(1)(i) (stating maximum amount of replacement player's salary).

122. See Rick Bonnell, *Murray Trade Product of Salary Cap Math*, CHARLOTTE OBSERVER (Feb. 21, 2010), <http://www.charlotteobserver.com/2010/02/21/1262133/murray-trade-product-of-salary.html> (explaining Flip Murray was valuable asset to trade because of \$2 million salary and not because of above-average play on court); see also Alan Hahn, *NBA Insider: Trade Deadline Meant Addition by Subtraction*, NEWSDAY, Feb. 21, 2010, at A59 (stating NBA teams make beneficial trades at trade deadline by losing players and creating more salary cap space to sign more players in free agency); Michael Lee, *Howard's Wish Is to Stay in Washington*, BALTIMORE SUN, Mar. 14, 2010, at 8D (declaring Wizards acquired Howard from Mavericks to create more salary cap space because Howard was in last year of contract); Gary Washburn, *Allen Has Been on the Money, His Recent Play Poses Dilemma*, BOSTON GLOBE, Mar. 8, 2010, at 5 (stating Allen's performance has been better since Celtics failed to trade Allen).

(\$1.03m) and Quinton Ross (\$1.033m).<sup>123</sup> The Wizards traded away \$19.64 million in salary and acquired \$17.45 million, within the 125% rule.<sup>124</sup> The trade was attractive to the Wizards because of Howard and Gooden's expiring contracts.<sup>125</sup> The Wizards then packaged Gooden's expiring contract into a three-team deal with the Clippers and Cavaliers, ultimately acquiring Zydrunas Ilgauskas' \$10.6 million expiring contract and a first round draft pick.<sup>126</sup> At the conclusion of the season the Wizards gained over \$21 million in salary cap space from Ilgauskas' and Howard's expiring contracts while having acquired a first round pick in the process.<sup>127</sup> This type of salary cap clearing occurred several times in the seasons leading up to the 2009-10 offseason potentially featuring several big name free agents, including LeBron James, Dwayne Wade, Chris Bosh, Dirk Nowitzki, Amare Stoudamire and many more.<sup>128</sup>

Generally, the NBA does not allow players to have no-trade clauses.<sup>129</sup> Players may, however, be entitled to a bonus payable upon any trade up to fifteen percent (15%) of the base compensation remaining on the player's contract.<sup>130</sup> Lastly, if a team trades a

123. See *Mavericks, Wizards Make Big Deal*, L.A. TIMES, Feb. 14, 2010, at 11 (stating trade between Mavericks and Wizards makes Mavericks significantly better).

124. See Michael Lee, *Caron Butler, Josh Howard Headline Wizards' Seven-Player Trade with Mavericks*, WASH. POST, (Feb. 14, 2010), <http://www.washingtonpost.com/wp-dyn/content/article/2010/02/13/AR2010021303327.html> (discussing Wizard's attempt to reshape team after disappointing year by clearing about \$15 million from its 2010-2011 payroll and bringing in additional quality players).

125. See Matt Peterson, *NBA Trade: Mavericks Set to Get Caron Butler, Brendan Haywood from Washington*, BLEACHER REP., (Feb. 12, 2010), <http://bleacherreport.com/articles/344625-nba-trade-mavericks-threat-to-lakers-after-getting-butler-haywood> (saying trade will shorten length of Wizards' rebuilding process after Wizards' disappointing season). The Wizards' season was marked by gun charges against star player Gilbert Arenas. See *id.* (noting charges against Gilbert Arenas). The move also provided the Mavericks with players who match up well against Lakers. See *id.* (discussing trade affect Mavericks).

126. See Michael Lee, *Wizards Trade Jamison to Cavs in 3-Team Deal*, BALT. SUN, Feb. 18, 2010, at 2D (laying out trade deal and implications for three NBA franchises); see also Michael Lee, *Wizards Reach Buyout Deal With Zydrunas Ilgauskas*, WASH. POST, (Feb. 25, 2010, 10:48 PM), <http://voices.washingtonpost.com/wizardsinsider/2010/02/wizards-closer-to-zydrunas-ig.html?wprrs=wizardsinsider> (explaining Ilgauskas paid back between \$1 and 1.5 million of \$11.5 million contract, while also receiving \$600,000 payment for being traded).

127. See *Cavaliers Get Jamison in a 3-Team Trade*, N.Y. TIMES, (Feb. 17, 2010), <http://www.nytimes.com/2010/02/18/sports/basketball/18nba.html> (describing trade and benefits to Wizards).

128. See Tommy Beer, *Top 2010 NBA Free Agents*, HOOPSWORLD, June, 3, 2010, [http://www.hoopsworld.com/story.asp?story\\_id=9031](http://www.hoopsworld.com/story.asp?story_id=9031) (saying GMs are making trades to increase salary cap flexibility in anticipation of best free agent class ever).

129. See NBA CBA, *supra* note 25, art. XXIV, § 1 (prohibiting player contracts from containing clauses which limit team's right to trade).

130. See *id.* art. XXIV, § 2(a)(ii) (detailing compensation bonuses for players upon trade).

player and the new team releases that player, the player cannot resign with the original team for thirty days.<sup>131</sup> This provision was added in the 2005 CBA after many teams traded away players to comply with the 125% salary rules discussed above.<sup>132</sup> The new team would then release the player under a buyout agreement and he would resign with his original team. The teams and players that did this include Gary Payton and the Celtics, Lindsey Hunter and the Detroit Pistons and Alan Henderson and the Dallas Mavericks.<sup>133</sup> In 2010, following his trade from the Cavaliers to the Wizards, the aforementioned Ilgauskas was released, waited thirty days, and then rejoined the Cavaliers.<sup>134</sup>

In spite of a team's best efforts, timing and luck can still play a big factor. When the Boston Celtics were able to acquire veteran stars Ray Allen and Kevin Garnett en route to the 2008 NBA title, former head coach and TV analyst Mike Fratello attributed much of the acquisition to timing.<sup>135</sup> "Think of all the things that had to happen here for [this team]. I don't think it's a model because who else is going to have all the cards to play that hand with?"<sup>136</sup> The cards he referred to included an ownership group "willing to absorb high-dollar contracts, general managers and other front-office executives who were able to pore over salary caps while negotiating major acquisitions, and rosters with enough young players to offer other teams in exchange for significant player trades."<sup>137</sup>

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131. See *id.* art. VII, § 8(g) (explaining grace period between terminating team's release and signing teams acquisition of contract).

132. See *NBA Collective Bargaining Agreement Ratified and Signed*, NBA.COM, Jul. 30, 2005, [http://www.nba.com/news/CBA\\_050730.html](http://www.nba.com/news/CBA_050730.html) (laying out new CBA provisions).

133. See Peter May, *Swift Decision?*, BOSTON GLOBE, July 10, 2005, at C4 (discussing possibility of NBA adding rule limiting ability of teams to release players and then sign them immediately because trades happened so often in 2004).

134. See Mary Schmitt Boyer, *Ilgauskas Back Home for Fans, Team, Title; Center Re-signs, May Play Tonight*, CLEV. PLAIN DEALER, Mar. 24, 2010, at D1 (discussing Cavaliers excitement to have Ilgauskas back on roster after trading him to Wizards only thirty-four days prior).

135. See Erik Spanberg, *How Celtics, Lakers Rebuilt Themselves – A Trade at a Time*, CHRISTIAN SCI. MONITOR, June 19, 2008, at 1 (declaring Lakers benefited by acquiring Gasol from Grizzlies for very little while Celtics became championship contender by acquiring veteran all-stars Kevin Garnett and Ray Allen).

136. *Id.*

137. *Id.*

### C. Overseeing Scouting Department

The average NBA career is four to five years in length.<sup>138</sup> NBA rookie contracts are generally two to four years based on whether the team exercises its options.<sup>139</sup> Consequently, there is constant roster turnover in the NBA. The aforementioned duties of salary cap and roster management are meaningless unless the team is able to identify skilled players to add to their roster. As a result, NBA teams have extensive scouting departments reviewing current NBA players, NBADL players, college players, high school players and international players.<sup>140</sup>

The path to the NBA changed in recent years since the NBA and NBPA agreed to age restrictions before a player could be eligible for the NBA Draft in the 2005 CBA.<sup>141</sup> First and foremost, all players must be at least nineteen (19) years old during the calendar year of the draft.<sup>142</sup> If you are American, at least one NBA season must have passed since your high school graduation, or when you would have graduated if you did not.<sup>143</sup> The rule was meant to prevent high school athletes from skipping college and trying to make the NBA before they were mentally, physically or emotionally ready.<sup>144</sup> The rule, however, has also drawn criticism as promoting “one and done” players in college, who play one season of college basketball and then declare for the draft, effectively having only completed one semester of college.<sup>145</sup>

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138. See *NBA Rookies Required to Get With Program; Classes are All About Making Players Aware of Lifestyle Traps*, INDIANAPOLIS STAR, Oct. 5, 2003, at C1 (discussing NBA's Rookie Transition Program and how it emphasizes that basketball is just game that is small part of life).

139. NBA CBA, *supra* note 25, art. VIII, § 1(a) (describing two year contract requirement for first round draft picks and allowing for options for contract extension).

140. See *Job Description: Scouting Coordinator*, NBA.COM, [http://www.nba.com/magic/care-er\\_opportunities/Job\\_Description\\_Scouting\\_Coor-186677-66.html](http://www.nba.com/magic/care-er_opportunities/Job_Description_Scouting_Coor-186677-66.html) (last visited Oct. 29, 2010) (listing job duties for scouting coordinator, which include scouting college, high school, US professional and international players).

141. See NBA CBA, *supra* note 25, art. X, § 1(b)(i) (limiting players to age of nineteen during first calendar season of contract).

142. See *id.* (detailing eligibility restrictions on pre-college entrants into NBA).

143. See *id.* (indicating period required between high school and entering NBA).

144. See Michael Lee, *The Merits of NBA's 'One-and-Done' Rule Are Subject to Debate*, WASH. POST (June 24, 2009), <http://www.washingtonpost.com/wp-dyn/content/article/20-09/06/23/AR2009062302079.html> (discussing benefits of allowing players to mature for one additional year before entering NBA while also highlighting downside of preventing eighteen year-olds from making living in their chosen profession).

145. See *id.* (quoting Orlando Magic Head Coach Stan Van Gundy who calls players spending one season in college “a sham”).

There have been some highly publicized attempts to circumvent the rule. First, Brandon Jennings was a California teenager who failed to score sufficiently on his SAT to attend the University of Arizona.<sup>146</sup> After high school, he played one season of professional basketball in Italy before being drafted 10th overall in the 2010 NBA Draft by the Milwaukee Bucks.<sup>147</sup> As a rookie, he averaged 15.5 points per game and scored 55 points in one game.<sup>148</sup> While Jennings had a fantastic first season with the Bucks, the story of Jeremy Tyler serves as a cautionary tale. Tyler, also from California, chose to skip his senior year of high school to play professionally in Israel.<sup>149</sup> After lackluster performance (2.1 points per game) and work ethic, Tyler left his team mid-season and returned home to San Diego.<sup>150</sup> Whether he ever plays in the NBA remains to be seen.<sup>151</sup>

Scouting is vital to the team's ultimate success on the court.<sup>152</sup> Consequently, GMs will want a decisive say in the operation of the department that can affect their job status.<sup>153</sup> In speaking of former Chicago Bulls GM Jerry Krause (1985 – 2003), current Bulls VP of Basketball Operations John Paxson (2003 – present) observed: "One thing I still marvel at is Jerry was able to do all the things he

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146. See Gary D'Amato, *Bucks' Diminutive Point Guard Brandon Jennings Has Overcome Big Obstacles to Reach the NBA*, MILWAUKEE J. SENTINEL, Nov. 18, 2009, at 1 (noting Jennings had planned to enroll at Arizona but chose to sign with European team instead of going to junior college after he could not meet NCAA SAT standards).

147. See *id.* at 3 (discussing Jennings' struggles while playing in Europe evidenced by his average 5.5 points per game).

148. See *Brandon Jennings 2009-10 Regular Season Game Log*, ESPN.COM, <http://sports.espn.go.com/nba/players/gamelog?playerId=3997> (last visited Oct. 29, 2010) (providing Brandon Jennings' statistics for 2009-2010 NBA Season, including game by game break down).

149. See Howard Schneider, *In Israel, Jeremy Tyler's NBA Dreams Come Back Down to Earth*, WASH. POST (Feb. 19, 2010), <http://www.washingtonpost.com/wp-dyn/content/article/2010/02/18/AR2010021804876.html> (discussing Tyler's dominant play during high school and his struggle to adapt to Israel's culture and find his role in Israeli professional league).

150. See *Ex-High School Star Jeremy Tyler, 18, Quits Israeli Team*, ESPN.COM (Mar. 20, 2010, 7:18 AM, ET), <http://sports.espn.go.com/nba/news/story?id=5008825> (detailing Tyler's short career with, and exit from, Israeli professional basketball team Maccabi Haifa).

151. See *id.* (debating probability of Tyler's future in NBA following hasty departure from Israeli professional basketball team Maccabi Haifa).

152. See John Lombardo, *Jerry Krause: Chicago's No-Bull Bull*, SPORTS BUS. J. (Apr. 27, 1998), <http://www.sportsbusinessjournal.com/article/20375> (discussing value of former Chicago Bulls GM Jerry Krause's scouting skills in building successful team).

153. See *id.* (citing high level of control exercised by GM Jerry Krause over composition of Chicago Bulls basketball team).

did. He took responsibility for everything, from the pro game to the college game to international scouting. That's a lot of responsibility. That shows his work ethic."<sup>154</sup> Krause's work ethic, facilitated by the presence of Michael Jordan, ultimately contributed to six NBA titles; Jordan bitterly reminded Krause and the basketball world of his critical role during his 2009 Hall of Fame induction speech.<sup>155</sup>

The NCAA men's basketball tournament is one of the most viewed sporting events in the world.<sup>156</sup> Consequently, the stars that emerge from those games often become household names and generate substantial buzz leading up to their professional careers. As a result, selections in the two-round NBA Draft are among the most important and scrutinized decisions a GM will make.<sup>157</sup>

A good pick can turn a perennially losing franchise into a winner, and bad picks can cut short the career of a GM. Former Bucks GM Larry Harris's demise was partially attributed to his choice of Yi Jianlian with the sixth overall pick in the 2007 NBA Draft.<sup>158</sup> During the 2009-10 season Blazers GM Kevin Pritchard was rumored to be on his way out in part for choosing always injured Greg Oden over Kevin Durant in the 2007 NBA Draft.<sup>159</sup> On the other hand, former Timberwolves GM Kevin McHale largely owes his 14-year tenure with the Timberwolves to drafting and developing high school phenom Kevin Garnett.<sup>160</sup> Additionally, current Thunder

154. Roman Modrowski, *Krause's Shoes May Be Hard to Fill; Running Bulls Could Be a Two-Man Job, and Paxson, Armstrong Will Be All Ears*, CHI. SUN-TIMES, Apr. 9, 2003, at 140.

155. See John Jackson, *That Was One Mean Speech, but MJ's Pettiness, Feistiness Helped Him Become a Basketball Deity*, CHI. SUN-TIMES, Sept. 13, 2009, at A59 (stating Michael Jordan's pettiness, witnessed at Hall of Fame Speech, facilitated competitive drive on basketball court and helped Jordan to succeed).

156. See John Scheibe, *NCAA Tournament Upsets Have Yet to Hurt TV Ratings*, L.A. TIMES (Mar. 25, 2010), <http://articles.latimes.com/2010/mar/25/sports/lasp-sports-media-20100326> (finding that opening NCAA Tournament games in 2010 averaged over 10 million viewers per game despite multiple favorites losing early in tournament).

157. See Shaun Powell, *With Teams Now Set, Time to Pick the GMs that Nailed It*, NBA.COM (Feb. 24, 2010, 10:18 AM), [http://www.nba.com/2010/news/features/shaun\\_powell/02/24/g-m/index.html](http://www.nba.com/2010/news/features/shaun_powell/02/24/g-m/index.html) (emphasizing importance and long-term consequences of GM decisions during NBA draft).

158. See Tom Oates, *Harris Gambles Yi Can Save His Job*, WIS. ST. J., June 29, 2007, at B1 (discussing great potential of Yi but also acknowledging risks relating to Yi's youth that could cost Harris his job).

159. See John Canzano, *Will Blazers' Pritchard Walk the Plank Next?*, PORTLAND OREGONIAN, Mar. 18, 2010 (discussing absurdity of Blazers potentially firing Pritchard because he has rebuilt Blazers franchise into playoff contender).

160. See Kevin Blackstone, *Mavs' System Failed Smith*, NEW ORLEANS TIMES-PICAYUNE, Nov. 21, 1999, at C14 (explaining how Kevin McHale developed Garnett into NBA superstar while Don Nelson and Mavericks failed in development of Smith).



GM Sam Presti, formerly assistant GM with the Spurs, rose through the ranks in San Antonio after convincing the team to draft little known point guard Tony Parker out of France in 2001.<sup>161</sup>

In the early part of the twenty-first century, NBA teams began to draft more European players than ever before.<sup>162</sup> In the three-year period from 1999 to 2001, NBA teams drafted a total of twenty-one players from foreign countries.<sup>163</sup> In the following three-year period (2002 to 2004), teams drafted forty-eight foreign players, a 133% increase.<sup>164</sup>

Foreign players are attractive because they have often been playing professionally or semi-professionally for a few years and, consequently, may be more mature than comparable American college players.<sup>165</sup> Despite high expectations, most foreign players have not proven to be NBA-ready. "Of the 39 international players selected in the first round since 2002 with no prior experience playing in the United States, only Yao Ming has surfaced as an All-Star. In that same time, 14 of 171 American players drafted in the first round made at least one All-Star team."<sup>166</sup> As a result, in the three-year period from 2007 through 2009, NBA teams only drafted thirty-five foreign players.<sup>167</sup> Regardless, the days of mining for a European secret weapon appear to be over for now.<sup>168</sup> Sam Presti, GM of the Thunder, said, "Whether it's a player from U.C.L.A. or Moscow, everyone is getting a good look at draft prospects."<sup>169</sup>

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161. See Mike Baldwin, *NBA: The Presti Design The Man With a Plan GM is More Than a Tremendous Basketball Mind*, OKLAHOMAN, Sept. 14, 2008, at 9B (stating that Presti convinced Spurs to draft Parker despite Parker's horrible workout performance).

162. See *NBA Draft History*, NBADRAFT.NET, [www.nbadraft.net/nba\\_draft\\_history/index.html](http://www.nbadraft.net/nba_draft_history/index.html) (last visited Oct. 29, 2010) (listing NBA draft history statistics by year from 1947-2010, and illustrating trend of drafting more foreign players).

163. See *id.* (detailing origin of NBA draft picks between 1999 and 2001, including those from foreign countries).

164. See *id.* (reporting on draft picks for 2002 to 2004 NBA drafts and illustrating increase in foreign players).

165. See *Basketball U on International Players*, NBA.COM (Oct. 9, 2003, 11:52 AM), [http://www.nba.com/canada/bu\\_international.html](http://www.nba.com/canada/bu_international.html) (discussing advantages of foreign players in NBA).

166. Jonathan Abrams, *N.B.A. Looks Overseas for Draft Prospects, and Doesn't See Much*, N.Y. TIMES, June 21, 2009, at 11.

167. See *NBA Draft History*, *supra* note 162 (reporting NBA draft statistics, including origin of draft picks).

168. See Abrams, *supra* note 166 (quoting Neil Olshey, L.A. Clippers assistant general manager, as saying, "[The international] pond has been fished out, and we need to give it a little time to restock.").

169. *Id.*

Not surprisingly, data analysis and video technology are increasingly important tools in scouting departments.<sup>170</sup> A significant use of such technology is used for analyzing upcoming opponents.<sup>171</sup> “All NBA teams have video staffs. But they vary in size, depending on the team’s commitment to data-crunching,” observed Steve Hellmuth, the NBA’s executive vice president for operations and technology.<sup>172</sup> Whether an NBA GM is committed to objective or subjective data, the fact remains that he is ultimately responsible for the key scouting decisions that will help determine a team’s future.

#### D. Coach and Personnel Selection

As mentioned throughout this article, team front offices have grown over the years to include increased specialization.<sup>173</sup> The number of employees in the basketball operations department, the department most geared toward on-the-court success, can easily reach a dozen or more.<sup>174</sup> Such a department generally includes: a GM, an Assistant GM, someone in charge of salary cap administration and contract analysis, the Head Coach, four or more Assistant Coaches, a Director of Scouting, two or more Professional Scouts, two or more College Scouts, an International Scout and a Video Coordinator. The GM will often have the deciding vote in filling these positions.

A GM’s most important and difficult personnel decision is the selection of a Head Coach. In the twelve seasons from 1998-99 through 2009-10, the thirty NBA teams made a total of 131 coaching changes, *not* including interim coaches.<sup>175</sup> That figure equates to each team having an average of 4.4 coaches during that period,

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170. See Chris Colston, *In Playoffs, Crunching Picks, Crunching Numbers; Video, Data Analysis Key to Scouting, Evaluations*, USA TODAY, May 14, 2009, at 8C (noting “[t]he teams at the top of the standings have [staffs in charge of data analysis and video technology] . . . [t]he teams at the bottom don’t”).

171. See *id.* (explaining use of video technology in game preparation); see also Synergy Sports Technology LLC, Homepage, SYNERGY SPORTS TECH., <http://www.synergysportstech.com/> (last visited Oct. 29, 2010) (displaying coach testimonials on scouting opponents through video technology).

172. Colston, *supra* note 170.

173. For a discussion of the growth of NBA teams’ front offices, see *supra* note 23 and accompanying text.

174. See, e.g., *Boston Celtics Front Office*, NBA.COM, <http://www.nba.com/celtics/contact/fro-nt-office.html> (last visited Oct. 29, 2010) (listing eighteen people in Boston Celtics’ Basketball Operations department).

175. See *Team Index*, BASKETBALL-REFERENCE.COM, <http://www.basketball-reference.com/te-ams/> (last visited Oct. 29, 2010) (listing all NBA teams with links to coach listings for each team).

with the average coach serving a tenure of 2.7 years. The Vancouver/Memphis Grizzlies have led the league with eight coaching changes during that time.<sup>176</sup> On the other hand, Jerry Sloan has coached the Utah Jazz since 1988, including nineteen playoff appearances.<sup>177</sup> Likewise, Gregg Popovich has coached the Spurs since the 1996-97 season, producing thirteen playoff appearances and four NBA titles.<sup>178</sup>

The takeaway is that NBA coaches have a very short period of time to prove they are moving the team in the right direction. Consequently, NBA GMs are under tremendous pressure to choose a coach who will prove successful. A GM can often survive the failure of one head coach, but with each coaching change, a GM's job status becomes more tenuous. Alluding to that fact, 76ers' GM Ed Stefanski said during his 2009 coaching search, "I'm taking my time because if I mess this up nobody gets out alive, including me."<sup>179</sup> Ironically, Stefanski fired Eddie Jordan, his coach from that 2009 search, after just one season, but Stefanski kept his job.<sup>180</sup>

When a NBA team hires someone new to its front office, there is often discussion over that person's role and whether or not he or she has final say in player and coaching decisions.<sup>181</sup> NBA GMs commonly believe they have final say, only to have the team owner or other high-ranking executive make a controlling decision that inevitably leads to the GM's departure.<sup>182</sup> The chance to have final say over player personnel and coach hiring decisions is certainly a

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176. See *Memphis Grizzlies Coaches*, BASKETBALL-REFERENCE.COM, <http://www.basketball-reference.com/teams/MEM/coaches.html> (last visited Oct. 29, 2010) (showing Memphis Grizzlies coaches from 1996 to 2010).

177. See *Utah Jazz Coaches*, BASKETBALL-REFERENCE.COM, <http://www.basketball-reference.com/teams/UTA/coaches.html> (last visited Oct. 29, 2010) (displaying Utah Jazz coaches from 1975 to 2010).

178. See *San Antonio Spurs Coaches*, BASKETBALL-REFERENCE.COM, <http://www.basketball-reference.com/teams/SAS/coaches.html> (last visited Oct. 29, 2010) (reporting San Antonio Spurs coaches from 1970 to 2010).

179. Bob Ford, *76ers: Yawn of a New Era*, PHILA. INQUIRER, May 25, 2009, at E01.

180. See *Jordan Dismissed After One Season*, ESPN.COM, (Apr. 15, 2010, 5:50 PM, ET), <http://sports.espn.go.com/nba/news/story?id=5092747> (relating Eddie Jordan's short tenure as 76ers coach and pressure on Stefanski to choose successful replacement).

181. See Rick Telander, *Disgusted Pax About to Take Control*, CHI. SUN-TIMES, Nov. 23, 2003, at 134 (discussing new coach decision-making allowance).

182. See, e.g., Chris Perkins, *Warriors' Infighting Affecting Team's Play*, PALM BEACH POST, Dec. 7, 2008, at 5B (reporting Don Nelson's experience with executive control while general manager); Dave Perkins, *Clueless Ownership at Heart of Problem; Meddling Peddie a Constant Detriment*, TORONTO STAR, Jan. 27, 2006, at C04 (noting executive Richard Peddie's "clueless" exercise of authority causes GMs to suffer poor hiring choices).

powerful draw for new GMs.<sup>183</sup> Fair or not, NBA GMs are responsible for the people they hire, particularly coaches, and their own careers can depend on those decisions.

#### E. Participating in Overall Business Operations of the Club

When the Celtics won a remarkable nine championships in ten years (1956 – 1966), head coach Red Auerbach was famously a one-man front office, overseeing the team's coaching, drafts, scouting, travel arrangements and contract negotiations.<sup>184</sup> With the passage of the Sports Broadcasting Act of 1961, teams and leagues were allowed to contract with television networks to collectively sell the rights to their games.<sup>185</sup> As a result, professional basketball soon became a more lucrative and financially complicated environment. In 1967 the NBA and NBPA reached their first collective bargaining agreement (CBA), and in 1983, the parties agreed to the first ever salary cap.<sup>186</sup> Consequently, NBA GMs have recently had more difficulty wearing all the hats that Auerbach famously wore (with or without a cigar).

Today, every team in the NBA hires a person to oversee the business operations of the club.<sup>187</sup> Bob Whitsitt, who served as GM of the Sonics (1986 – 1994) and Trailblazers (1994 – 2003), noted the difficulties in trying to stay involved with every operation of the club:

There's just so much happening on all fronts. . . . As the game continues to grow, there are more opportunities and challenges in each position. If you're the only one

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183. See Pat Stiegman, *Bucks' Changes Raise Plenty of Questions*, WIS. ST. J., Apr. 24, 1992, at 4D (discussing open management positions with Milwaukee Bucks, potential candidates and authority over coach selection).

184. See John Powers, *Red a Once-in-a-Lifetime Find for Celtics*, BOSTON GLOBE, June 12, 2003, at C10 (reviewing Red Auerbach's career).

185. See 15 U.S.C. §§ 1291-1295 (1961) (excluding certain joint broadcasting agreements among major professional sports from antitrust liability).

186. See WONG, *supra* note 13, § 11.3.4 (discussing NBPA history).

187. See, e.g., Brian Schmitz, *Fritz Gets New Title in Magic Business*, ORLANDO SENTINEL, Feb. 7, 2005, at C2 (revealing Jim Fritz's new position as executive vice president of business in Magic organization); Bob Young, *Suns Add a President, Realign Duties, Wells to Oversee Business Side*, ARIZ. REPUBLIC, June 25, 2002, at C1 (describing Rick Welts' new role as president and chief operating officer of Suns, and Welts' responsibility for "business operations of the Suns"); Tom Enlund, *Bucks Add Attorney to Front Office Post, Senior Executive Will Focus on Negotiations, Analysis*, MILWAUKEE J. SENTINEL, Jan. 1, 1999, at 9 (commenting on attorney Ron Walter's induction as senior executive of Milwaukee Bucks "involved in . . . the negotiation of player contracts, salary cap analysis, revenue production and legal matters").

involved in all areas, you can't do everything the way you want to do it. The pressure is too great.<sup>188</sup>

NBA GM rarely to possess final say over basketball decisions while also having a controlling voice in business operations. Billy King, as GM of the 76ers, maintained such a position from 1998 through 2007.<sup>189</sup> "I like to ask because there're a lot of great ideas, but if you say yes and at the end of the day you don't realize what the cost was, then you're over-budget, and I'm the one who is held responsible," King once said, before rejecting a proposal from his staff.<sup>190</sup>

Some areas of business operations where a GM might be involved include public and media relations, finance, marketing, ticket sales and arena operations. The scope and type of GM participation can vary widely. A GM's role in marketing has taken on some interesting variations. For example, the Minnesota Timberwolves made then-Vice President of Basketball Operations Kevin McHale (1995 – 2008) the focus of its 2000-2001 marketing campaign; Spurs General Manager R.C. Buford (2002 – present) was instrumental in the redesign of the Spurs' logo in 2002; in 1989, Atlanta Hawks GM Stan Kasten (1979 – 90) decided to have dancers entertain the crowd; and Mavericks GM Norm Sonju (1980 – 1996) served as Chairman of the NBA's Marketing Committee.<sup>191</sup>

Ticket sales are core to a NBA team's success. When commenting on the possibility of signing impending free agent LeBron James or Dwyane Wade, former Clippers GM Mike Dunleavy (2008 – 2010) said, "We can support whatever that number is and do whatever we have to do . . . Spending money is an easy thing once

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188. Moore, *supra* note 109.

189. See *Former 76ers Executive Billy King Becomes Nets GM, President*, USATODAY (July 14, 2010, 10:36 PM), [http://www.usatoday.com/sports/basketball/nba/nets/2010-07-14-billy-king-gm-president\\_N.htm](http://www.usatoday.com/sports/basketball/nba/nets/2010-07-14-billy-king-gm-president_N.htm) (reporting Billy King's new GM position with New Jersey Nets and summarizing King's career history).

190. Hoffman, *supra* note 116.

191. See Scott Soshnick, *Playing the Market Led By Stern, NBA Renews Effort to Fill Seats*, MILWAUKEE J. SENTINEL, Nov. 5, 2000, at 4C (describing NBA marketing efforts to capture new fans, maintain current fans and increase game attendance); Johnny Ludden, *Party's Over for Spurs; Fiesta Look is Out in Change of Logo*, SAN ANTONIO EXPRESS-NEWS, June 18, 2002, at 01C (relating San Antonio Spurs' logo change as marketing effort to boost team's image and invoke nostalgia); Ailene Voisin, *Hawks' Hot Shots Hit (Cold) Showers*, ATLANTA J. & CONST., July 2, 1990, at F01 (describing appeal of Atlanta Hawks' Hot Shot dancers); Dan Barreiro, *LIVE!: IT'S MICHAEL JORDAN Bulls' Rookie Has More Than Rim-Rattlin', Hip-Shakin' Moves — He's a Corporation Worth Millions and in Heavy Demand*, DALLAS MORNING NEWS, Mar. 22, 1985, at 18b (discussing Michael Jordan's enormous popularity as financial, marketing boon to Chicago Bulls franchise).

you have a player like [LeBron James or Dwyane Wade]. That generates its own revenue.”<sup>192</sup> Following the lockout that delayed the start of the 1998-99 season, Golden State Warriors’ GM Garry St. Jean (1998 – 2004) actually telephoned season ticket holders to convince them to renew their tickets.<sup>193</sup> Wes Unseld, Washington Bullets/Wizards GM from 1996 to 2003, created a fantasy basketball camp with the hope that the camp would boost ticket sales.<sup>194</sup> During the 1994-95 NHL lockout, Vancouver Grizzlies GM Stu Jackson (1994 – 2000) noted that the team would make a push to reach more Canucks fans to fill their shared arena.<sup>195</sup> “Unless you’re in a huge TV market like LA, Chicago or New York, ticket sales is by far the biggest asset a club has,” said Rockets GM Steve Patterson (1990 – 1993) in 1991.<sup>196</sup>

One of the most important components of a team’s balance sheet is its arena, regardless of whether that component concerns construction, renovation or debt or leasing obligations.<sup>197</sup> During his tenure as Magic GM from 2003 to 2006, John Weisbrod was in “constant contact with city and county officials” about either renovating their arena or building a new one.<sup>198</sup>

As assistant GM of the Spurs (1999 – 2001), R.C. Buford toured several other teams’ facilities prior to the construction of the Spurs’ new practice facility.<sup>199</sup> Lastly, when Rose Garden Arena, home of the Portland Trailblazers, was forced to file for bankruptcy, former GM Bob Whitsitt (1994 – 2003) was faulted for making improper payments while the arena may have been insolvent, and then-new

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192. Ben Bolch, *Clippers FYI, Money is There, But Is There Interest?*, L.A. TIMES, Feb. 19, 2010, at 4.

193. See Alan Saracevic, *Warriors’ Full-Court Press Team Tries Community Outreach to Woo Fans Back into the Arena*, S.F. EXAMINER, Feb. 7, 1999, at B1 (describing Golden State Warriors’ attempts to increase fans and ticket sales for abbreviated season).

194. See Patrick Hruby, *Stop it – You’re Killing Me! Fantasy Camp’s Suicide Runs Are a Real Lowlight*, WASH. TIMES, July 12, 1998, at C1 (describing fantasy basketball camp’s activities and diverse participants).

195. See *An Idle Mullin Scores High in Fan Balloting*, FRESNO BEE, Dec. 21, 1994, at C4 (explaining Grizzlies and Canucks shared marketing strategy).

196. Eddie Sefko, *Rockets’ Drop in Attendance Deep-Seated*, HOUSTON CHRON., Dec. 25, 1991, at 1.

197. See John Reid, *Alario Center Set for Hornets, Renovation Work Continues in Scramble to Get New Orleans Arena Ready for NBA Season*, NEW ORLEANS TIMES-PICAYUNE, Sept. 3, 2002, at 1 (detailing costs of renovating Alario Center to suit Hornets’ purposes).

198. Ken Hornack, *Magic Eager for Home Improvement*, DAYTONA NEWS-J., Feb. 20, 2005, at 11B.

199. See Johnny Ludden, *“Sean’s Shack” Breaks Ground; Elliott Frees Up Some Cash for the Team’s New Practice Facility on the Northwest Side*, SAN ANTONIO EXPRESS-NEWS, Apr. 12, 2001, at 01C (describing Buford’s actions before building).

GM John Nash (2003 – 2006) was charged with seeing the transition through.<sup>200</sup>

Professional sports are not immune to the national or global economy. Difficult financial times can affect teams in their ticket sales, player budget, arena financing and all aspects of the organization. New Jersey Nets President Rod Thorn (2000 – 2010) recognized this in 2009, stating, “The work environment has changed in every business, even if you just go by what you read and observe . . . There are cutbacks everywhere—jobs redefined, personnel shifts. So you can’t say the NBA is different from other businesses.”<sup>201</sup>

#### F. Serve as Liaison to Owner, Media, Fans and League

Although the head coach or star player are often the most consistent and visible speaking representatives of an organization, a GM may be the most important. A GM is generally charged with directing the overall well-being of the organization, on and off the court. Although the GMs discussed in this article are increasingly limited to basketball roles, hiring a GM is arguably the most important employment decision owners make. Success on the court will make everyone happy, including the owner, media and fans, but success is far from given. Consequently, GMs must maintain a solid and professional relationship with these key stakeholders in the success of the organization.

The level of involvement by individual team owners varies widely in the NBA, with Mavericks owner Mark Cuban deriving fame from his high-level of participation. Nevertheless, a GM is the employee of the owner and must effectively communicate the decisions made on behalf of the organization. Quality communication and cooperation on the direction of the organization is essential to its success and often the GM’s job. Spurs owner, Peter Holt, contributes the success of the organization, including four NBA titles during his ownership, to the trust he has in GM R.C. Buford (2002 – present) and former GM and current head coach Gregg Popovich (GM duties 1994 – 2002).<sup>202</sup> Furthermore, Holt does not place un-

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200. See Mike Francis, *Arena Deal Isn’t Fair to Lenders, Report Says*, OREGONIAN, Sept. 3, 2004, at B01; see also Helen Jung, *Creditors May Gain Control of Rose Garden, Attorney Says*, OREGONIAN, May 19, 2004, at A01 (detailing bankruptcy of Rose Garden).

201. Dave D’Alessandro, *Nets Owner Ratner Courting Investors, Officials Say Candidates Sought Who Are Willing to Move Team to Brooklyn*, STAR-LEDGER (Newark, N.J.), July 24, 2009, at 39.

202. See David Aldridge, *How Special Are the Spurs? Look at Their Relationships*, PHILA. INQUIRER, June 16, 2007, at E02 (examining team owner Holt’s unconventional confidence in Head Coach Popovich).

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realistic expectations on the pair, saying "I expect progress but not perfection, and I understand the difference."<sup>203</sup> Similarly, Jerry West remained in control of the Lakers from 1982 through 2000 maintaining a strong relationship with owner Jerry Buss; winning four NBA titles during his tenure probably also helped.<sup>204</sup>

Success, however, cannot guarantee a strong working relationship. Former Phoenix Suns GM Bryan Colangelo left the team he worked for since 1991 after the 2006 season due to a deteriorating relationship with owner Robert Sarver, who acquired the team from Colangelo's father.<sup>205</sup> His departure came in spite of the team making the playoffs in nine of the eleven seasons Colangelo was GM, including back-to-back trips to the Western Conference Finals.<sup>206</sup>

Many GMs can attribute the length of their tenure due to their relationships with the owner despite a lack of success. Due to his relationship with Clippers owner Donald Sterling, Elgin Baylor was GM of the Clippers from 1986 through 2008 despite having just two winning seasons in that span.<sup>207</sup> Baylor later sued Sterling upon his termination.<sup>208</sup> Similarly, although Wes Unseld's relationship with Baltimore Bullets owner Abe Pollin could not salvage his coaching career in 1994, this relationship enabled him to become GM in 1996.<sup>209</sup>

NBA GMs must make themselves available to the media to explain the team's decisions and direction. The media, in its many forms today is still generally the voice to the fans. In today's mod-

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203. *Id.*

204. See *West Denies Report He's Leaving Lakers*, SEATTLE TIMES, Apr. 19, 1998, at D4 (detailing West's employment history with Lakers).

205. See Doug Smith, *Mitchell Could Become Victim of Confidence Game; Coach Knows He Needs GM's Backing No Guarantees if Raps Hire Colangelo*, TORONTO STAR, Feb. 25, 2006, at C13 (describing owner /GM relationship).

206. See Yahoo! Sports, *Phoenix Suns Playoff History*, <http://sports.yahoo.com/nba/news?slug=phoenixpost> (last visited Oct. 29, 2010) (listing Phoenix Suns playoff history).

207. See Joe Stevens, *An Uncredited Role Clippers GM Baylor Has Many Reasons to Crow, But He Won't*, DAILY NEWS OF L.A., May 8, 2006, at S10 (noting example of owner/GM relationship where tenure length was not attributed to success).

208. See *Elgin Baylor's Accusations of Discrimination*, VIEW FROM MY SEATS, <http://viewfrommyseats.com/2009/02/elgin-baylor-s-accusations-of-discrimination> (last visited Oct. 29, 2010) (reporting Baylor's filing suit against Sterling for employment discrimination).

209. See Tom Knott, *Wes Didn't Take Easy Way Out*, WASH. TIMES, May 12, 1993, at D1 (noting Unseld's decision to continue to coach for another season and not take the easy way out); see also Athlete.com, *Wes Unseld Profile*, <http://www.athlete.com/wes-unseld> (last visited Oct. 29, 2010) (listing Unseld's personal and professional career highlights).



ern digital age, information and misinformation is readily available to any interested person. As a result, GMs who are resistant to the media will only invite closer scrutiny and more difficult questions, only complicating their jobs. While GMs need not acquiesce to every demand of the press, they must recognize the demand for information and the media's role in shaping the delivery of information.

The most common platform through which a GM communicates to the media and world is the press conference. Through winning and losing, GMs must maintain a calm demeanor while being peppered with probing or difficult questions. A GM who is willing to accept responsibility for a team's failures and answer fans' concerns will often be looked at more sympathetically than a GM who is combative and elusive. Other prominent outlets through which GMs can communicate with the media and fans are radio and television interviews.

Several GMs careers have been partially derailed by combative relationships with the media, including Steve Patterson (2006 – 07) and Bob Whitsitt of the Trailblazers (1994 – 2003), Stu Jackson of the Grizzlies and Bernie Bickerstaff during his tenure as Denver Nuggets GM. (1990 – 97).<sup>210</sup> On the contrary, other GMs were able to overcome frosty relationships with the media by winning, notably Gregg Popovich of the Spurs and Jerry Krause of the Bulls.<sup>211</sup>

Former beloved players might have an easier time maintaining a good relationship with the media, notably Jerry West who led the Lakers from 1982 through 2000.<sup>212</sup> Conversely, other players' contentious relationships with the media carried over to their front office careers, causing more problems. For example, Isiah Thomas was the star point guard of the Pistons' championship teams during the 1988-89 and 1989-90 seasons, but he often felt that he was mis-

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210. See Jason Quick, *Blazers Start Over From the Top*, OREGONIAN, Mar. 2, 2007, at A01 (explaining how relationship between Patterson and media soured); see also Jason Quick, *Reinventing of Bob Whitsitt*, OREGONIAN, June 23, 2002, at C01 (detailing "rocky relationship" between Whitsitt and media); *Grizzlies Top Man Resigns, Jackson Taking League VP Job*, SEATTLE POST-INTELLIGENCER, May 10, 2000, at D3 (identifying Jackson's "acid tongue" toward media); Bob Kravitz, *Judge Bickerstaff By His Next Move*, ROCKY MTN. NEWS, Apr. 24, 1992, at 82 (noting worsening relationship between general manager and media).

211. See Johnny Ludden, *Spurs Coach Just Wins, And Does It His Way*, SAN ANTONIO EXPRESS-NEWS, Dec. 22, 2000, at 01C (describing Popovich's leadership style); see also Sam Smith, *Like Other Top GMs, Krause Deserves Credit*, CHI. TRIB., Jan. 14, 1998, at 6 (explaining successes despite unpopularity with media).

212. See Scott Howard-Cooper, *The Price for Shaq: West Emerges Spent*, L.A. TIMES, July 20, 1996, at C1 (quoting West regarding relationship with media).

understood by the media.<sup>213</sup> Subsequently, as President of Basketball Operations for the Knicks from 2003 to 2008, Thomas' poor relationship with the media only exacerbated the team's terrible record during that period.<sup>214</sup>

On a regular basis, the league, as a collective entity of the thirty individual teams, must make important decisions affecting the league. Often, the team's GM will serve as the team's representative on various committees, notably the Board of Governors and the Competition Committee. The Board of Governors is a league committee consisting of a representative from each team to vote on important league decisions, notably the commissioner's employment and ownership transactions.<sup>215</sup> The Competition Committee is a committee designated by the Board of Governors to consider basketball-related issues such as rule changes, instant replay or division realignments.<sup>216</sup>

### III. THE QUALIFICATIONS, DEMOGRAPHICS AND CAREER PATHS OF A NBA GM

Like all the major sports leagues in America, the NBA has become a big time business, necessitating increasingly capable people to do increasingly complex tasks. From the 1988-89 season to the 2008-09 season, the average NBA salary increased from around \$650,000 per year to approximately \$4.5 million per year.<sup>217</sup> At the same time the NBA salary cap increased from \$7.2 million per team to \$58.68 million per team.<sup>218</sup> In 1987-88 the NBA had twenty-

213. See Mitch Albom, "Smilin Assassin" Thomas Fires Back at His Critics, *ORLANDO SENTINEL*, June 26, 1994, at D15 (describing player/media relationships).

214. See Peter Vecsey, *Media Now the Enemy*, *N.Y. POST*, Oct. 7, 2001, at 84 (describing how Thomas' bad media relationship only intensified team's poor record).

215. See *NBA Board of Governors Expand Use of Instant Replay*, *NBA.COM* (Sept. 5, 2007, 11:59 PM) [http://www.nba.com/news/replay\\_070905.html?rss=true](http://www.nba.com/news/replay_070905.html?rss=true) (describing decision by Board of Governors for more use of replay in NBA games); see also Rob Parker, *Stern's Motto: I Love This Cash*, *NEWSDAY*, Feb. 14, 1996, at A75 (describing role of Board of Governors); *It's Unanimous: Jordan's an Owner*, *CHI. TRIB.*, Mar. 18, 2010, at C6 (discussing NBA Board of Governors' expansion).

216. See Dave D'Allessandro, *Foul Calls Become a Tangled Mess, NBA in Quagmire over Classifying "Flagrant" Whistle*, *THE STAR-LEDGER* May 29, 2009, at 39 (describing commission's deliberation regarding whether Rondo's actions constituted a "flagrant foul"); see also Mike Bianchi, *NBA Will Benefit from Magic's Misfortune*, *ORLANDO SENTINEL*, May 8, 2008, at D4 (mentioning upcoming meeting during which Competition Committee will "no doubt change" instant replay policy); John Reid, *NBA Ponders Way it is Aligned; Hornets May Wind Up in Western Conference*, *NEW ORLEANS TIMES PICAYUNE*, June 12, 2002, at 1 (identifying possible division realignment for New Orleans Hornets).

217. See WONG, *supra* note 13 (discussing increase in NBA salaries).

218. See *NBA Salary Cap*, *supra* note 28 (showing increase in salary cap).

three teams.<sup>219</sup> The NBA added the Charlotte Hornets and the Miami Heat in 1988-89, the Orlando Magic and Minnesota Timberwolves in 1989-90, the Toronto Raptors and Vancouver Grizzlies in 1995-96 and a thirtieth team, the Charlotte Bobcats, in 2004-05.<sup>220</sup>

Despite these changes, the core product of the leagues still remains the sport itself. Consequently, the most important person in any front office is the person with the ultimate decision-making power on player personnel moves, such as free agent signings, trades and the draft. Although the titles of the person with “final say” can vary considerably, from President to VP of Basketball Operations to General Manager, this article will elucidate the qualifications, demographics and characteristics of those final decision makers and how they may have changed over a twenty year period through an examination of the GMs during the 1988-89, 1998-99 and 2008-09 seasons.<sup>221</sup>

#### A. Playing Experience

This section will discuss the basketball playing experience of the GMs, including their NBA and college experience. Playing experience among GMs has become more prevalent over the years. The 2008-09 GMs had the most NBA and college playing experience of all the seasons charted, including several with championship pedigrees. Not surprisingly, many GMs were quality players. The 1988-89 GMs included three Hall of Famers, including the Clippers’ Elgin Baylor, the NBA’s twenty-first all-time leading scorer during a career spent entirely with the Lakers franchise, Bill Russell, an eleven-time NBA Champion and former Boston Celtic, during a brief stint as Sacramento Kings GM and Jerry West, the symbol of the NBA logo, during his twenty year tenure as Lakers GM and then Executive VP of Basketball Operations, after a fourteen year playing career with the Lakers.<sup>222</sup>

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219. See *Complete First Round Results: 1980-89*, NBA.COM, [http://www.nba.com/h-history/draft\\_round1\\_1980s.html](http://www.nba.com/h-history/draft_round1_1980s.html) (last visited Oct. 29, 2010) (listing first draft picks for twenty-three NBA teams in 1987).

220. See *NBA History*, BASKETBALL.COM, <http://www.basketball.com/nba/history.shtml> (last visited Oct. 29, 2010) (describing NBA’s expansion).

221. The bulk of the information discussed in Part III of this paper was compiled by a study conducted by the authors (study on file with authors).

222. See *NBA All-Time Points Leaders*, ESPN.COM, <http://espn.go.com/nba/history/leaders> (last visited Oct. 29, 2010) (listing NBA points leaders); Bill Russell Biography, NBA.COM, [http://www.nba.com/history/players/russell\\_bio.html](http://www.nba.com/history/players/russell_bio.html) (last visited Oct. 29, 2010) (describing Bill Russell); Jerry West Biography, ES-

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The former-player GMs increased in 1998-99. Baylor was still the Clippers GM and West still ran the Lakers; they were joined by Washington Bullets/Wizards GM Wes Unseld, who was elected into the Hall of Fame as a player with the Bullets.<sup>223</sup> Two 1998-99 GMs were notable for their championship pedigree due to their time in Celtic green: Mavericks GM Don Nelson (1997 – 2002) won five titles with the Celtics, and Timberwolves VP of Basketball Operations, Kevin McHale (1995 – 2008), won three titles with the Celtics in the 1980s.<sup>224</sup>

Additionally, more of the 2008-09 GMs played prior to managing, and they also averaged longer careers. In general, the average playing career of a NBA GM is more than double the average NBA playing career.<sup>225</sup> Intelligence is a useful characteristic that enables players to extend their careers, but those with long careers can certainly learn a lot about the industry while playing that enables them to work in the front office.

In 2008-09, Pistons GM Joe Dumars (2000 – present) was the only Hall of Fame player, having won two championships with the Pistons.<sup>226</sup> There were several other GMs, however, with careers filled with championships: Celtics GM Danny Ainge (2003 – present) won two titles as a player with the Celtics; Bulls GM John Paxson won three championships as Michael Jordan's three-point specialist for the early 1990s Bulls; Heat President Pat Riley won a NBA title as a New York Knick in 1972, and then won five more with the Lakers, four as head coach and one as an assistant; and lastly, Suns GM Steve Kerr (2007 – 2010) compiled five NBA titles as a player, three with the Bulls and two with the Spurs.<sup>227</sup>

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PNDB.COM, [http://espnldb.go.com/nba/finals/profile/\\_/id/4151/type/player/jerry-west](http://espnldb.go.com/nba/finals/profile/_/id/4151/type/player/jerry-west) (last visited Oct. 29, 2010) (describing Jerry West).

223. See Washington Wizards Timeline, NBAHOOPSONLINE.COM, <http://nba-hoopsonline.com/teams/WashingtonWizards/History/timeline.html> (last visited Oct. 29, 2010) (listing personnel history of Washington Bullets/Wizards)

224. See *Meet the Men in Green – Don Nelson*, CELTICS.COM, [http://www.nba.com/celtics/history/GG\\_Nelson.html](http://www.nba.com/celtics/history/GG_Nelson.html) (last visited Oct. 29, 2010) (describing Don Nelson); *McHale Says He Wanted to Remain Coach*, ESPN.COM (June 20, 2009), <http://sports.espn.go.com/nba/news/story?id=4265949> (describing Kevin McHale).

225. See NBA CBA, *supra* note 25, art. XLII, § 1(a) (comparing NBA playing careers of individuals who were GMs and NBA players who were not).

226. See Joe Dumars Biography, NBA.COM, [http://www.nba.com/history/players/dumars\\_b-io.html](http://www.nba.com/history/players/dumars_b-io.html) (last visited Oct. 29, 2010) (highlighting Dumars' career).

227. See Danny Ainge: Executive Director of Basketball Operations and General Manager, CELTICS.COM, [http://www.nba.com/celtics/history/Danny\\_Ainge.html](http://www.nba.com/celtics/history/Danny_Ainge.html) (last visited Oct. 29, 2010) (noting championships won by Ainge during his playing career with Celtics); John Paxson: Executive President of Basketball Operations, BULLS.COM, [http://www.nba.com/bulls/news/john\\_paxson.html](http://www.nba.com/bulls/news/john_paxson.html) (last vis-

While most GMs played Division I basketball, a handful did not. Of the 1988-89 GMs, Del Harris of the Bucks (1987 – 1992) played at Milligan College in Tennessee and Bob Bass (1982 – 1994) of the Spurs played at Oklahoma Baptist. Bass was with the Hornets in 1998-99, joined by the Warriors Garry St. Jean who played at Springfield College and John Gabriel of the Magic (1996 – 2004) from Kutztown University. The 2008-09 small schoolers included Donnie Nelson of the Mavericks (2002 – present) (Wheaton), John Hammond of the Bucks (2008 – present) (Greenville College), Sam Presti of the Thunder (Emerson), R.C. Buford of the Spurs (Friends University) and Kevin O'Connor of the Jazz (1999 – present) (Belmont Abbey).

The only GMs who did not play in college in 2008-09 were Mark Warkentien (Cal-State Fullerton) of the Nuggets (2006 – 2010), Daryl Morey (Northwestern) of the Rockets, Chris Wallace (dropped out of Kansas) of the Grizzlies (2007 – present) and Jeff Bower (St. Francis (PA)) of the Hornets (2005 – 2010).

PLAYING EXPERIENCE	NBA	Average NBA Career	College	D-I	D-II or Lower
1988-89	10 (40%)	10.2 years	16 (64%)	14 (56%)	2 (8%)
1998-99	12 (41%)	10.4 years	24 (83%)	21 (72%)	3 (10%)
2008-09	16 (53%)	10.8 years	26 (87%)	21 (70%)	5 (17%)

## B. Coaching Experience

In this section we examine the coaching experience of NBA GMs, including NBA and the different levels of college, while also elucidating which GMs coached in both the NBA and college. The coaching experience of NBA GMs has remained fairly consistent over the years, peaking at fifty-eight percent (58%) with NBA experience and twenty-one percent (21%) with college experience for the 1998-99 GMs.

The most notable former coach during the 1988-89 season was Kings GM Bill Russell (1988-89) who won two titles as player-coach of the Celtics in 1968 and 1969.<sup>228</sup> By 1998-99, there were three coaches who had final say over their rosters, including Donn Nelson in Dallas, Gregg Popovich in San Antonio and George Karl in

ited Oct. 29, 2010) (describing Paxson's championships as Bulls player); Pat Riley Biography, NBA.COM, [http://www.nba.com/coachfile/pat\\_riley/](http://www.nba.com/coachfile/pat_riley/) (last visited Oct. 29, 2010) (indicating Riley's championships throughout career); Steve Kerr Biography, SUNS.COM, [http://www.nba.com/suns/news/kerr\\_bio.html](http://www.nba.com/suns/news/kerr_bio.html) (last visited Oct. 29, 2010) (discussing Kerr's career championships).

228. See Bill Russell Biography, *supra* note 222 (profiling Bill Russell).

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Milwaukee. The 1998-99 season marked Popovich's first title in San Antonio, while none of the other GMs coaches had ever won a NBA title as a head coach.

The only 2008-09 executive who won a title as a head coach was Pat Riley, who won four titles as the Lakers head coach in the 1980s.<sup>229</sup> Mike Dunleavy Sr. of the Clippers was in his second stint as a coach and general manager having shared both titles with the Bucks from 1992-93 through 1995-96. He was hired as Clippers head coach prior to the 2003-04 season and added General Manager duties to his plate in 2008-09 after the resignation of Elgin Baylor, but lost both titles when he was fired in March 2010.<sup>230</sup>

Del Harris, head coach and GM of the Bucks from 1988 through 1992 began his career by coaching at Earlham College before becoming a NBA scout. All four 1998-99 GMs who coached lower than D-II did so at their alma maters: Bob Bass (Spurs 1982-1994 and Hornets 1995-2004) at Oklahoma Baptist; John Gabriel (Magic 1996-2004) at Kutztown; Gregg Popovich (Spurs GM duties from 1994-2002) at Air Force and Garry St. Jean (Warriors 1998-2004) at Springfield College. The only 2008-09 GM who coached below D-I was the Bucks John Hammond who coached at Southwest Missouri and Houston Baptist.<sup>231</sup> Note that some of these coaches did eventually coach at the D-I level as well.

COACHING EXPERIENCE	NBA	College	D-I	D-II or Lower	NBA & College	College Before NBA
1988-89	13 (52%)	4 (16%)	3 (12%)	2 (8%)	3 (12%)	3 (12%)
1998-99	17 (58%)	6 (21%)	4 (14%)	4 (14%)	7 (24%)	6 (21%)
2008-09	15 (50%)	5 (17%)	5 (17%)	1 (3%)	3 (10%)	4 (13%)

### C. Education

This section will discuss the education of NBA GMs, including whether they earned an undergraduate degree, where they might have earned that degree and whether they went on to receive a master's or professional degree. As discussed earlier, most GMs played college basketball, which aided them in earning a college degree. Over the twenty year spectrum, only two GMs did not have

229. See Pat Riley Biography, *supra* note 227 (listing Riley's titles).

230. See Marc Stein & J.A. Adande, *Dunleavy out as Clippers Coach*, ESPN.COM (Feb. 5, 2010, 12:34 AM, ET), <http://sports.espn.go.com/los-angeles/nba/news/story?id=4887981> (detailing Dunleavy's coaching career).

231. See John Hammond, MUTIGERS.COM, [http://www.mutigers.com/sports/m-baskbl/mtt/hammond\\_john01.html](http://www.mutigers.com/sports/m-baskbl/mtt/hammond_john01.html) (last visited Oct. 29, 2010) (referencing Hammond's sub-D-I coaching experience).

college degrees. In 2008-09, the only NBA GM without an undergraduate degree was Memphis Grizzlies GM Chris Wallace. Wallace, who was also GM of the Celtics in 1998-99, did not play college basketball and dropped out of the University of Kansas to start Blue Ribbon College Basketball Yearbook, a college basketball preseason guide.<sup>232</sup> The only other GM who did not earn a college degree was Elgin Baylor of the Clippers (1986-87 through 2007-08), who left Seattle University after his junior year to become the number one overall draft pick in the 1958 NBA Draft.<sup>233</sup>

The number of GMs who attended Top Fifty undergraduate schools has not changed significantly over the years.<sup>234</sup> The 1988-89 GMs who attended Top Fifty schools were Billy Cunningham of the Heat (1988 – 1994) (North Carolina), Donnie Walsh of the Indiana Pacers (1986 – 2003) (North Carolina), Jerry Colangelo of the Suns (1968 – 1995) (Illinois), Stan Kasten of the Hawks (1979 – 1990) (NYU), Jack McCloskey of the Pistons (1979 – 1992) (Pennsylvania) and Ray Patterson of the Rockets (Wisconsin).<sup>235</sup> Kasten was the only member of that group who did not play in college.

All six of the 1998-99 GMs from Top Fifty schools also played there, including Bryan Colangelo of the Suns (Cornell), Donnie Walsh (North Carolina), Billy King of the 76ers (Duke), Geoff Petrie of the Kings (1995 – present) (Princeton), Rick Sund of the Pistons (1995 – 1998) (Northwestern) and Wally Walker of the Sonics (Virginia).

In 2008-09, Northwestern boasted three GMs, including Rick Sund of the Hawks (2008 – present), Jim Stack of the Timberwolves (2004 – 2009) and Daryl Morey of the Rockets. Morey was the only Top Fifty graduate who did not play in college. As discussed earlier, Morey is perhaps the highest educated GM, having received a bach-

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232. See Geoff Calkins, *Wallace Blazed His Own Path to the Executive Offices of an NBA Franchise*, COM. APPEAL (Memphis) (June 27, 2007, 12:00 AM), <http://www.commercialappeal.com/news/2007/jun/27/wallace-blazed-his-own-path-to-the-executive-of/> (describing Wallace's career path); see also Chris Wallace, General Manager, CELTICS.COM, [http://nba.com/celtics/hi-story/Chris\\_Wallace.html](http://nba.com/celtics/hi-story/Chris_Wallace.html) (last visited Oct. 29, 2010) (profiling Chris Wallace).

233. See Elgin Baylor Biography, NBA.COM, [http://www.nba.com/history/players/ba-ylor\\_bio.html](http://www.nba.com/history/players/ba-ylor_bio.html) (last visited Oct. 29, 2010) (noting Baylor left college early to play in NBA).

234. See National Universities Rankings, USNEWS.COM, <http://colleges.usnews.rankingsandr-views.com/best-colleges/national-universities-rankings> (last visited Oct. 29, 2010) (listing top undergraduate colleges and universities).

235. See Billy Cunningham Biography, NBA.COM, [http://nba.com/history/players/cunning-ham\\_bio.html](http://nba.com/history/players/cunning-ham_bio.html) (last visited Oct. 29, 2010) (indicating Cunningham attended University of North Carolina); Jerry Colangelo Biography, SUNS.COM, [http://nba.com/suns/news/jerry\\_colan-gelo\\_bio.html](http://nba.com/suns/news/jerry_colan-gelo_bio.html) (last visited Oct. 29, 2010) (noting Colangelo played at Kansas and Illinois).

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elor's degree in computer science from Northwestern and an MBA from MIT.<sup>236</sup>

Surprisingly, the number of GMs with advanced degrees has decreased over the last twenty years, from nine in 1988-89 to just four in 2008-09. The 1988-89 GMs had three lawyers, Stan Kasten of the Hawks (Columbia), Carl Scheer of the Charlotte Hornets (1987 – 1990) (Marquette) and Jan Volk of the Celtics (1984 – 1997) (Columbia). In addition, two GMs had their MBAs: Dave Checketts of the Jazz (1987 – 1989) (BYU) and Norm Sonju of the Mavericks (1980 – 1996) (University of Chicago). The 1998-99 GMs had only two lawyers, Glen Grunwald of the Raptors (1998 – 2004) (Northwestern) and Donnie Walsh of the Pacers (North Carolina), and boasted two MBAs: Grunwald (Indiana) and Wally Walker of the Supersonics (Stanford). The only lawyer of the 2008-09 GM class was Donnie Walsh (North Carolina), now with the Knicks. Lastly, two 2008-09 GMs had an MBA, Morey of the Rockets (MIT) and Mitch Kupchak (UCLA) of the Lakers (2000 – present).

EDUCATION	Undergraduate <sup>237</sup>	Top 50 School <sup>238</sup>	Advanced Degree	J.D.	M.B.A.
1988-89	24 (96%)	6 (24%)	9 (36%)	3 (12%)	2 (8%)
1998-99	27 (93%)	6 (21%)	7 (24%)	2 (7%)	2 (7%)
2008-09	29 (97%)	9 (30%)	4 (13%)	1 (3%)	2 (7%)

#### D. Age

In this section, we are concerned with the age of NBA GMs, including the number of GMs under forty and over sixty, as well as their age when they first became a GM. Unlike in the Major League Baseball, there have been no major changes in the ages of NBA GMs. The average age and the age at which a GM became GM for the first time has remained nearly constant over the twenty year period. In addition, there has been no significant change in GMs younger than forty or older than sixty.

236. See *Rockets Name Daryl Morey Assistant GM*, NBA.COM (Apr. 4, 2006), [http://www.nba.com/rockets/news/Rockets\\_Hire\\_Morey\\_as\\_Assistan-174585-822.html](http://www.nba.com/rockets/news/Rockets_Hire_Morey_as_Assistan-174585-822.html) (noting Morey's educational background).

237. We were able to determine that nearly all of the GMs that had professional playing careers did in fact graduate from college, though it is possible some did not.

238. See National Universities Rankings, *supra* note 234 (listing Top 50 schools).



In 1988-89, the youngest GMs were Dave Checketts of the Jazz and Bob Whitsitt of the Sonics (1986 – 1994), both thirty-three.<sup>239</sup> Checketts earned his MBA at nearby BYU, joined the Jazz in 1983 as an Executive Vice President, and obtained control over personnel matters as GM in 1987, at the age of thirty-one.<sup>240</sup> Checketts has gone on to a very successful career beyond just being a basketball executive, having served as CEO of Madison Square Garden and part owner of the MLS team Real Salt Lake.<sup>241</sup> Whitsitt, would later serve as GM of the Portland Trailblazers and as President of the NFL's Seattle Seahawks, both owned by Paul Allen.<sup>242</sup> The oldest GM in 1988-89 was sixty-year-old Ray Patterson of the Rockets, then in the seventeenth year of an eighteen year run as GM of the Rockets.

In 1998-99, the youngest GM was 76ers GM Billy King, thirty-two, in his first year on the job. A former captain of the Duke basketball team, King was GM of the 76ers for over eight seasons.<sup>243</sup> Also of note is Bryan Colangelo, the then-thirty-three-year-old GM of the Suns (1995 – 2006), who were owned at that time by Colangelo's father, Jerry Colangelo.<sup>244</sup> Bryan joined the Suns shortly after his 1987 graduation from Cornell and took over basketball operations in 1995 at the age of thirty.<sup>245</sup> The oldest GM in 1998-99 was sixty-nine-year-old Bob Bass of the Charlotte Hornets. Bass was a basketball lifer, having coached in college and the ABA before becoming the Spurs GM in 1976 when the ABA and NBA

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239. See Gary Washburn, *Sam Presti Era Begins for Sonic*, SEATTLE POST-INTELLIGENCER (June 7, 2007), [http://www.seattlepi.com/basketball/319014\\_sonx08.html](http://www.seattlepi.com/basketball/319014_sonx08.html) (noting youngest NBA GMs).

240. See Brad Rock, *Tending the (Madison Square) Garden*, BYU MAGAZINE (Summer 1998), <http://magazine.byu.edu/?act=view&a=332> (describing Checketts' career).

241. See David W. Checketts Biography, SCP Worldwide, <http://www.scpworldwide.net/le-adership.asp#BioTop> (last visited Oct. 29, 2010) (detailing Checketts' career).

242. See Bob Whitsitt Biography, WHITSITT ENTERPRISES, LLC, [http://www.whitsitterpr-ises.com/whitsitt\\_profile.htm](http://www.whitsitterpr-ises.com/whitsitt_profile.htm) (last visited Oct. 29, 2010) (detailing Whitsitt's career).

243. See Bryan Toperek, *Top Ten Philadelphia 76ers of the Decade*, BLEACHER REP. (Dec. 27, 2009), <http://bleacherreport.com/articles/315181-the-top-10-philadelphia-76ers-of-the-decade> (noting length of King's position as 76ers GM).

244. See Bryan Colangelo Biography, SUNS.COM, [http://www.nba.com/suns/news/bryan\\_colangelo\\_bio.html](http://www.nba.com/suns/news/bryan_colangelo_bio.html) (last visited Oct. 29, 2010) (describing Colangelo's career in NBA).

245. See *id.* (noting Colangelo's achievements in NBA career).

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merged.<sup>246</sup> Bass was with the Spurs until 1994 before joining the Hornets, with whom he stayed until he retired in 2004.<sup>247</sup>

The only GMs under forty in 2008-09 were the Rockets' Morey and thirty-two-year-old Sam Presti of the Thunder.<sup>248</sup> Presti, a former Division III basketball player at Emerson College, joined the Thunder at the age of thirty, after having served as Assistant GM to R.C. Buford of the Spurs, who won three championships during Presti's time there.<sup>249</sup> The oldest GM was sixty-eight-year old Donnie Walsh of the Knicks (2008 – present), another basketball lifer, who had served as a college and NBA coach before serving in the Pacers front office for seventeen years.<sup>250</sup>

AGE	Average Age	40 and Younger	60 and Older	Age When GM for First Time <sup>251</sup>
1988-89	49.6	3 (12%)	2 (4%)	42.3
1998-99	49.5	2 (7%)	4 (14%)	43.0
2008-09	50.1	2 (7%)	5 (17%)	42.5

### E. Race & Gender

This section will consider the race and gender of NBA GMs, how that may have changed over time, and whether more change is needed. When compared to MLB, the NBA may have been ahead of its time in having minority GMs (MLB had zero in both 1989 and 1999).<sup>252</sup> In the NBA, however, where nearly four out of five players are black, it would seem important that there also be a similar

246. See *Hornets General Manager Bob Bass Retires*, NBA.COM (May 5, 2004), [http://www.nba.com/hornets/news/bass\\_retires040505.html](http://www.nba.com/hornets/news/bass_retires040505.html) (detailing Bob Bass's basketball career from head coach of Oklahoma Baptist University in 1952 to present retirement in 2004).

247. See *id.* (describing Bob Bass's relationship with Spurs prior to working for Hornets).

248. See Andrew Ungvari, *Uncontested Shots: Who Are the NBA's Best and Worst General Managers*, BLEACHER REP. (Apr. 15, 2010), <http://bleacherreport.com/articles/379057-uncontested-shots-who-are-the-nbas-best-and-worst-general-managers> (listing youngest GM's in 2008-09).

249. See Sam Presti: Assistant General Manager, NBA.COM, [http://www.nba.com/spurs/features/presti\\_bio.html](http://www.nba.com/spurs/features/presti_bio.html) (last visited Oct. 29, 2010) (listing accomplishments of Presti).

250. See Marc Berman, *Walsh Gives Self Harsh Review*, N.Y. POST, (Apr. 2, 2009, 11:15 PM), [http://www.nypost.com/p/sports/knicks/item\\_yITS0IaSlouiubZSvga02J](http://www.nypost.com/p/sports/knicks/item_yITS0IaSlouiubZSvga02J) (discussing Knicks GM Donnie Walsh).

251. This indicates the age of the executive when they obtained "final say" over personnel matters for the first time in their career.

252. See Wong, *supra* note 4, at 109-21 (citing statistics of MLB's diversity of GMs in 1989 and 1999).

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or reasonable representation of black GMs.<sup>253</sup> Yet, the proportionate number of black GMs does not even come close to the number of black players, a number that has decreased, if any change at all, over twenty years. In 1971, five-time NBA all-star Wayne Embry became the first black GM, leading the Bucks until 1979.<sup>254</sup> In 1988-89, he was the GM of the Cavaliers.<sup>255</sup> The other two black GMs in 1988-89 were also prominent NBA players: Clippers GM Elgin Baylor played thirteen Hall of Fame seasons for the Lakers before becoming a head coach in the league, and Kings GM Bill Russell won eleven NBA titles with the Celtics before becoming a NBA coach and briefly Kings GM.<sup>256</sup>

Baylor was still with the Clippers in 1998-99, as were Wes Unseld of the Washington Wizards, Stu Jackson of the Vancouver Grizzlies and Billy King of the 76ers.<sup>257</sup> Unseld went straight from a Hall of Fame career to the Bullets/Wizards front office.<sup>258</sup> King and Jackson, however, were both coaches before becoming GMs: King was an assistant coach with the Pacers before joining the 76ers and Jackson was both a college and NBA head coach before becoming GM.<sup>259</sup> Jackson would go on to become the NBA's Executive Vice President of Basketball Operations.<sup>260</sup>

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253. See Sam Smith, *NBA Does justice to King's legacy*, CHI. TRIB., (Jan. 18, 2005), [http://articles.chicagotribune.com/2005-01-18/sports/0501180210\\_1\\_lorraine-motel-mountain-top-speech-memphis-motel/2](http://articles.chicagotribune.com/2005-01-18/sports/0501180210_1_lorraine-motel-mountain-top-speech-memphis-motel/2) (recognizing statistics of black people involved in NBA).

254. See Naismith Memorial Basketball Hall of Fame, Wayne R. Embry, <http://www.hoophall.com/hall-of-famers/tag/wayne-r-embry> (last visited Oct. 29, 2010) (recounting highlights of Embry's life). "In 1971, Embry was named Milwaukee's General Manager, becoming the first African-American GM in the NBA." *Id.*

255. See Cleveland Cavaliers Historical Moments, SPORTSENCYCLOPEDIA.COM, <http://www.sportsecyclopedia.com/nba/cleveland/cavs.html> (last visited Oct. 29, 2010) (describing Wayne Embry's role for Cleveland Cavaliers).

256. See Elgin Baylor Biography, *supra* note 233 (detailing history of Baylor's career with NBA); Bill Russell Biography, *supra* note 222 (detailing history of Russell's career with NBA).

257. See Washington Wizards Timeline, *supra* note 223 (listing dates of significant events for Washington Wizards); Stu Jackson Biography, NBA.COM, [http://www.nba.com/nba101/stu\\_jackson.html](http://www.nba.com/nba101/stu_jackson.html) (last visited Oct. 29, 2010) (outlining important NBA accomplishments for Stu Jackson); Billy King Biography, SIXERS.COM, [http://www.nba.com/sixers/news/king\\_bio\\_030526.html](http://www.nba.com/sixers/news/king_bio_030526.html) (last visited Oct. 29, 2010) (describing accomplishments of Billy King).

258. See Wes Unseld Biography, NBA.COM, [http://www.nba.com/history/players/unseld\\_bio.html](http://www.nba.com/history/players/unseld_bio.html) (last visited Oct. 29, 2010) (recounting NBA bio of Unseld).

259. See Billy King Biography, *supra* note 257 (describing King's history with Pacers); Stu Jackson Biography, *supra* note 257 (describing Jackson's head coach opportunities before becoming GM).

260. See Stu Jackson Biography, *supra* note 257 (acknowledging Jackson's position as Executive Vice President of Basketball Operations for NBA).

All three of the 2008-09 black GMs, Rod Higgins of the Bobcats (2007 – present), Joe Dumars of the Pistons and Otis Smith of the Magic (2006 – present) had prior NBA playing experience.<sup>261</sup> In 2008-09, eight of the GMs had both NBA playing and coaching experience while eight GMs had neither. All eight GMs who never coached or played in the NBA were white, demonstrating that the disproportionate difficulty for a black man to become GM without significant playing or coaching experience.

As difficult as the path has been for black men to become GMs in the NBA, the path seems even more difficult for women.<sup>262</sup> With the creation of the Women's National Basketball Association (WNBA) in 1996, most of the talented women interested in professional basketball work in the WNBA rather than the NBA. During the 2009-10 NBA season, not a single woman served in a basketball operations role for a NBA club. While there were many women serving in executive or business positions, none were heavily involved in basketball-related decisions. Among the most powerful women in the NBA are: Heidi Ueberroth, President of NBA International and son of former MLB Commissioner Peter Ueberroth; Jeanie Buss, Executive Vice President of Business Operations of the Lakers, daughter of Lakers owner Jerry Buss; and Ann Meyers Drysdale, one of the greatest women's basketball players in history, who serves as General Manager of the WNBA's Phoenix Mercury and Vice President of the NBA's Phoenix Suns.<sup>263</sup>

In addition, despite the games international growth, including twenty percent (20%) foreign-born players, there are no Hispanic or Asian GMs.<sup>264</sup>

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261. See Rod Higgins Biography, ARHENETWORK.COM, <http://www.arhenetwork.com/profiles/view/3119/Rod-Higgins> (last visited Oct. 29, 2010) (showing Higgins career from college football player to pro basketball career in front office as executive); Joe Dumars Biography, *supra* note 226 (summarizing Dumars' career with NBA over time); Otis Smith Biography, ARHENETWORK.COM, <http://www.arhenetwork.com/profiles/view/3404/Otis-Smith> (last visited Oct. 29, 2010) (detailing Smith's NBA career prior to GM).

262. See General Managers, HOOPSHYPE.COM, [http://hoopshype.com/general\\_manager.htm](http://hoopshype.com/general_manager.htm) (last visited Oct. 29, 2010) (listing all current GMs for NBA, all of whom are male).

263. See Shira Springer, *Facing a Power Shortage: Women Executives Still Struggling to Reach Top with Sports Teams*, BOSTON GLOBE, (Jan. 18, 2008), [http://www.boston.com/sports/base-all/articles/2008/01/18/facing\\_a\\_power\\_shortage/](http://www.boston.com/sports/base-all/articles/2008/01/18/facing_a_power_shortage/) (discussing women in high positions within the sports world).

264. See Eric Fisher, *Going Global, Major League Sports Poised to Expand to Overseas Markets*, WASH. TIMES, Jan. 5, 2003, at A1 (discussing basketball's expansion overseas); see also Gary West, *NBA has Become a Major Importer of Basketball Talent, Promoter of Game Abroad*, FORT WORTH STAR-TELEGRAM, Feb. 10, 2010 (discussing non-American players).

RACE	White	Black	Hispanic	Asian
1988-89	22 (88%)	3 (12)%	0 (0%)	0 (0%)
1998-99	24 (86%)	5 (14%)	0 (0%)	0 (0%)
2008-09	27 (90%)	3 (10%)	0 (0%)	0 (0%)

### F. Family Ties

This section will show how having a family member previously in the business of professional basketball may help other individuals ultimately become a NBA GM. None of the 1988-89 GMs had significant family ties that helped them enter the business. The success of five GMs, however, did help their sons. The son of Washington Bullets GM Bob Ferry (1973 – 1990), Danny, had a successful NBA career before becoming the GM of the Cavaliers in 2005. Rockets GM Ray Patterson (1972 – 1990) turned over the reins to his son, Steve, who would serve in that role until 1993. Nets GM Harry Weltman (1987 – 1990) helped bring his son, Jeff, into the league, who has served as Assistant GM of the Nets and Nuggets.<sup>265</sup> Donnie Nelson, the 2008-09 GM of the Mavericks, began his career in the NBA, thanks in large part to his father, Don, who after winning five NBA championships during a fourteen year NBA career has been an NBA coach and executive for nearly thirty-five years, including stints as the Bucks', Warriors' and Mavericks' GM. Lastly, Jerry Colangelo, owner and GM of the Suns in 1988-89, turned over the reins to his own son, Bryan, in 1995, who held his position with the Suns until 2006 when he left to become President & General Manager of the Raptors.

Rob Babcock, who briefly served as GM of the Raptors in the mid-90s is the brother of Pete Babcock, former GM of the Nuggets (1987 – 1990) and the Hawks (1990 – 99). Jim Paxson, GM of the Cavaliers (1998 – 2005), enjoyed an eleven year NBA career, the same as his brother John, who is now the GM of the Bulls. Their father, Jim Paxson Sr. played two seasons in the NBA.

FAMILY TIES IN BASKETBALL	
1988-89	6 (24%)
1998-99	3 (10%)
2008-09	3 (10%)

265. See Butch Maier, *Hanging out with Former Cavaliers GM Harry Weltman*, CLEVELAND.COM (Oct. 6, 2008), [http://www.cleveland.com/livingston/index.ssf/2008/10/han-ging\\_out\\_with\\_former\\_cavali.html](http://www.cleveland.com/livingston/index.ssf/2008/10/han-ging_out_with_former_cavali.html) (indicating Jeff Weltman's position in NBA).

### G. Experience Prior to Becoming GM

In this section we are concerned with NBA GMs' professional experience, in and out of basketball, prior to becoming a GM. The number of GMs who had previous scouting experience doubled in 2008-09 from the previous two decades. Determining whether this is meaningful or coincidental is difficult. What does seem clear is that GMs increasingly serve in other front office positions prior to gaining final say over personnel matters. The first half of this article discussed the increasingly complex duties of a NBA GM. Consequently, for a NBA GM to properly be able to understand and handle all those roles, it makes sense that they would gain valuable experience performing some of these roles prior to becoming a GM.

Of the 1988-89 GMs with extensive non-basketball experience, Jerry Krause of the Bulls was scouting for the Chicago White Sox before joining the Bulls, Charlotte Hornets GM Carl Scheer practiced law before he started representing basketball players, while Mavericks GM Norm Sonju and Nets GM Harry Weltman were business executives.<sup>266</sup> Moving forward a decade, Carroll Dawson, GM of the Rockets from 1996-97 through 2006-07, was previously a scout for the Dallas Cowboys and also a salesman for Converse; Stu Jackson worked at IBM for a few years before returning to basketball; and Wally Walker, GM of the Sonics, worked seven years at Goldman Sachs.<sup>267</sup> The aforementioned Morey of the Rockets has the most impressive non-basketball experience of the 2008-09 GMs; however, Ed Stefanski of the 76ers gave up basketball in the 80s for the real estate business, and Geoff Petrie of the Kings, a Princeton alum, worked in private business for several years.<sup>268</sup>

As more GMs have served in other roles prior to becoming a GM, they waited longer before gaining final say in personnel matters, going from an average of 10.8 years in basketball in 1988-89 to 15.3 years in 2008-09. Al Bianchi, the Knicks GM from 1987-88 through 1990-91, was a player, assistant coach, head coach and

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266. See Susanne Deitzel, *Scheer Commitment*, GREATER CHARLOTTE BIZ (Aug. 2005), <http://www.greatercharlottebiz.com/article.asp?id=530> (discussing Carl Sheer's career).

267. See Stu Jackson Biography, *supra* note 257 (discussing Jackson's career).

268. See Robert Strauss, *Home Court Advantage*, PENN. GAZETTE (Jan. 2, 2008), <http://www.upenn.edu/gazette/0108/pro01.html> (discussing Stefanski's decision to come to 76ers); Blazers.com, Geoff Petrie, [http://www.nba.com/blazers/history/Player\\_History-70202-41.html](http://www.nba.com/blazers/history/Player_History-70202-41.html) (last visited Oct. 29, 2010) (discussing Petrie's history in the NBA).

front office executive before leading the Knicks.<sup>269</sup> Pat Riley had a twenty-eight year playing and coaching career before taking over the Heat in 1995-96 with full control over basketball operations in addition to his coaching duties.<sup>270</sup> Likewise Mike Dunleavy, the 2008-09 GM and head coach of the Clippers, had a twenty-six year playing and coaching career when he was hired as GM and head coach of the Bucks in 1992-93.<sup>271</sup>

On the other end of the spectrum, 1988-89 GMs Jerry Colangelo of the Suns, Stan Kasten of the Hawks, Carl Scheer of the Hornets and Harry Weltman of the Nets all had less than two years of experience in the NBA when they first became final decision makers.<sup>272</sup> Colangelo became GM of the expansion Suns in 1968; twenty-seven year old Kasten impressed Hawks owner Ted Turner enough coming out of Columbia Law that he let him take control of the franchise; Scheer took over the Nuggets in 1974 after a brief stint working in the league office; and Weltman took over the Cavaliers in 1983 with only minimal experience in the ABA. Similarly, Tim Howells, GM of the Jazz in 1998-99, went from season ticket holder and businessman to GM with no steps in between in 1989.<sup>273</sup> Daryl Morey of the Rockets was only in the league for four seasons before taking over the Rockets in 2007.<sup>274</sup> And again, Bryan Colangelo, now GM of the Raptors, took over the Suns from his father in 1995 after only four years in the league.<sup>275</sup>

The GMs who were able to turn prior GM experience into new jobs with different teams include Don Nelson (Golden State 1988 – 95 and Dallas 1997 – 2005), John Nash (Philadelphia 1986 – 90, Washington 1990 – 96, New Jersey 1996 – 2000 and Portland 2003 – 06), Pete Babcock (Denver 1987 – 90 and Atlanta 1990 – 99), Bob Whitsitt (Seattle 1986 – 1994 and Portland 1994 – 2003), Rick Sund

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269. See *The Knickerbockers Story*, Knicks.com, <http://www.nba.com/knicks/his-tory/knickerbockersstory.html> (last visited Oct. 29, 2010) (discussing Al Bianchi and Knicks history).

270. See Pat Riley Biography, *supra* note 227 (listing Riley's career moves).

271. See Stein & Adande, *supra* note 230 (detailing Dunleavy's coaching career).

272. See Jerry Colangelo, *supra* note 235 (discussing Colangelo's career with NBA).

273. See Mark Wright, *Tim Howells' Jazz Saga*, MORMONS TODAY (Feb. 9, 2001), <http://www.mormonstoday.com/010209/S2THowells01.shtml> (describing Howells' life and becoming GM of Jazz).

274. See Eric Neel, *How Do You Know . . . This Game Isn't Rocket Science?*, ESPN MAG., available at <http://sports.espn.go.com/espnmag/story?section=magazine&id=3658571> (reviewing Daryl Morey's biographical and career history).

275. See Bryan Colangelo Biography, *supra* note 244 (recounting Colangelo's history with NBA).

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(Detroit 1998 – 2000 and Atlanta 2008 – present), Chris Wallace (Boston 1997 – 2003 and Memphis 2007 – present), Donnie Walsh (Indiana 1986 – 2003 and New York 2008 – present), Bryan Colangelo (Phoenix 1995 – 2006 and Toronto 2006 – present) and Ernie Grunfeld (New York 1993 – 99 and Washington 2003 – present).

PRIOR EXPERIENCE	Experience as a Scout	Other Front Office Position Prior to GM	Extensive Non- Basketball Experience	Avg. Years in Professional Basketball Prior to Becoming GM for First Time <sup>276</sup>	GMs Whom Were Previously GMs <sup>277</sup>
1988-89	5 (20%)	11 (44%)	4 (16%)	10.8	6 (30%)
1998-99	5 (17%)	16 (53%)	7 (24%)	12.9	5 (17%)
2008-09	10 (33%)	21 (70%)	3 (10%)	15.3	6 (20%)

#### H. Characteristics of GMs During Their Tenures

This section highlights the long road to a NBA GM position, noting the number of teams worked for and years it may take. Although the GM position seems to require increasing amounts of experience, the tenures of GMs have become gradually shorter over the years. In 1988-89 Jerry Colangelo was in his twentieth year leading the Suns, Ray Patterson in his seventeenth as the Rockets GM and Bob Ferry in his sixteenth at the head of the Bullets.<sup>278</sup> The longest tenured executive in 1998-99 was Jerry West, in his sixteenth year as GM of the Lakers. In 2008-09, only three GMs had been in their positions for ten years or more: Pat Riley in his fourteenth year as President of the Heat, Geoff Petrie in his fourteenth year as GM of the Kings and Kevin O'Connor in his tenth season leading the Jazz.

In 1988-89, Don Nelson of the Warriors, Al Bianchi of the Knicks, Wayne Embry of the Cavaliers (1986 – 1998), Bob Ferry of the Bullets and Jerry West of the Lakers all had between twenty-seven and thirty years in professional basketball, thanks in large part to lengthy playing careers. West was in his thirty-ninth season in 1998-99 and Nelson in his thirty-fifth, this time as head coach and GM of the Mavericks. In 1998-99, Clippers GM Elgin Baylor was in his thirtieth year in the NBA, and Heat President Pat Riley

<sup>276</sup>. Includes playing career and experience in the ABA or Europe but not college.

<sup>277</sup>. Does not include interim positions.

<sup>278</sup>. See Jerry Colangelo Biography, *supra* note 235 (showing Colangelo's career moves).



was in his thirty-second. Riley was in his forth-second year in 2008-09, while Nets President Rod Thorn was in his forty-sixth.<sup>279</sup> 2008-09 Hawks GM Rick Sund, in his thirty-fifth year, has the most experience of any NBA GM lacking NBA playing experience.<sup>280</sup>

Of the 1988-89 GMs, both Don Nelson of the Warriors and Jerry Krause of the Bulls worked for five NBA teams.<sup>281</sup> Nelson was on to his sixth team with the Mavericks in 1998-99 while Pete Babock was with his seventh team as GM of the Hawks.<sup>282</sup> The most-traveled GMs in 2008-09 each had worked for five teams: Rick Sund in Atlanta, Chris Wallace in Memphis and Kevin O'Connor in Utah.

Present Experience	Average Years in the Position <sup>283</sup>	Average Years in Professional Basketball <sup>284</sup>	Avg. # of NBA Teams Worked For <sup>285</sup>
1988-89	5.3	17.3	2.4
1998-99	5.0	19.6	2.6
2008-09	4.8	23.0	2.6

### I. Career Track: Common Paths to GM Position

Of all the demographics of NBA GMs, the one that seems to have changed the most over time is the career track. Over the past twenty year period, GMs have become more experienced, having spent more years in the league prior to becoming a GM, most of that time in another front office position, and have had longer careers in basketball overall. This section will examine the paths GMs have taken to reach their position and how others might seek to do the same.

279. See Pat Riley Biography, *supra* note 227 (relating Riley's career history).

280. See Rick Sund Biography, HAWKS.COM, [http://www.nba.com/hawks/news/Rick\\_Sund\\_B-io.html](http://www.nba.com/hawks/news/Rick_Sund_B-io.html), (last visited Oct. 29, 2010) (listing Sund's career moves).

281. See *Meet the Men in Green – Don Nelson*, *supra* note 224 (delineating Nelson's career moves); see Fred Mitchell, *Krause Prefers Silent Approach to Scouting*, CHI. TRIB., May 4, 2005, at 3 (discussing Krause's career history).

282. See *Meet the Men in Green – Don Nelson*, *supra* note 224 (listing Nelson's career moves).

283. Represents the amount of time in current position possessing "final say" on personnel matters.

284. Includes team and league employment, including playing career, but not broadcasting.

285. Does not include playing career.

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1. *Former College Player but Not NBA Player*

Twenty-six of the eighty-four GMs (31%) examined played in college but did not make it to the NBA. Nevertheless, most of these college players still played in Division I (D-I), as only nine GMs reached that position without playing D-I basketball. Depending upon the player's experience, the player may be able to get an introductory position as a scout, as seven (27%) of the non-NBA former college players have done. Nevertheless, the best route for a former college player is to get his foot in the door with a NBA organization and move up through the ranks of the front office, as twenty-two of the twenty-six GMs (85%) in this career path have done. Many GMs got in with an organization after coaching in college and then the NBA. Only eight of these twenty-six GMs (31%) managed to become GMs without coaching experience.

Trying to work through a NBA front office to the GM position will generally take at least a decade. Ultimately, the most common path for a former D-I college basketball player to become a NBA GM is to become a NBA assistant coach, move into a team's front office and then ascend to the GM position. Among the GMs to have followed this specific path are Stu Jackson (Grizzlies 1994 – 2000), Billy King (76ers 1998 – 2007), Donnie Nelson (Mavericks 2005 – present), John Hammond (Bucks 2008 – present), Jim Stack (Minnesota (2004 – 09) and R.C. Buford (Spurs 2002 – present).

PATH A: College Player but not NBA	Played in College but not NBA	Coached in College	Coached in NBA	Never Coached
1988-89	6	3 (50%)	4 (67%)	1 (17%)
1998-99	10	7 (70%)	6 (60%)	3 (30%)
2008-09	10	4 (40%)	5 (50%)	4 (40%)

PATH A	Experience as a Scout	Other Front Office Position	Extensive Non- Basketball Experience	Avg. Years in Professional Basketball Prior to Becoming GM for First Time
1988-89	1 (17%)	4 (67%)	0 (0%)	7.7
1998-99	0 (0%)	8 (80%)	3 (30%)	10.3
2008-09	6 (60%)	10 (100%)	1 (10%)	13.3

2. *Former NBA Player*

During the years studied, thirty-eight of eighty-four GMs (45%) were former NBA players. Furthermore, as discussed earlier, often they were quite good NBA players, averaging careers over a decade in length. After their playing careers, the most common step for future GMs has been coaching in the NBA. Some former players serve in other front office roles before taking over as GM, though only a few have worked as scouts. Several prominent former NBA players jumped to GM without ever serving as coach or in another front office position, including Danny Ainge of the Celtics, John Paxson of the Bulls, Danny Ferry with the Cavaliers (2005 – 2010), Joe Dumars of the Pistons, Chris Mullin with the Warriors (2004 – 09), Steve Kerr with the Suns (2007 – 2010) and Kevin McHale with the Timberwolves (1995 – 2008).<sup>286</sup> Collectively those seven former players won fifteen NBA titles as players. Although several former players were coaches and even head coaches in the NBA, only two won NBA titles as head coaches before assuming GM duties in their career: Pat Riley and Bill Russell.<sup>287</sup>

PATH B:					
Former NBA Player	Played in NBA	Average NBA Career	Coached in College	Coached in NBA	Never Coached
1988-89	10	10.2 years	1 (10%)	8 (80%)	2 (20%)
1998-99	12	10.4 years	0 (0%)	9 (75%)	3 (25%)
2008-09	16	10.8 years	0 (0%)	9 (56%)	7 (44%)

  

PATH B	Experience as a Scout	Other Front Office Position	Extensive Non-Basketball Experience	Avg. Years in Professional Basketball Prior to Becoming GM for First Time	Avg. Prior Years in Professional Basketball Not Including Playing Career
1988-89	1 (10%)	3 (30%)	0 (0%)	17	6.8
1998-99	1 (8%)	4 (33%)	1 (8%)	17.4	7
2008-09	1 (6%)	7 (44%)	1 (6%)	17.8	7

286. See Danny Ainge, *supra* note 227 (recounting Ainge's career history); John Paxson, *supra* note 227 (discussing Paxson's career path); Joe Dumars Bio, *supra* note 226 (explaining Dumar's career history); Steve Kerr, *supra* note 227 (reviewing Kerr's career history); *McHale*, *supra* note 224 (examining McHale's career history).

287. See Pat Riley, *supra* note 227 (relating Riley's career history); Bill Russell Biography, *supra* note 222 (discussing Russell's biographical, career history).

### 3. *Non-Player*

Only seventeen of the eighty-four GMs (21%) from 1988-89, 1998-99 and 2008-09 never played basketball in the NBA or college, representing a decreasing percentage of non-player NBA GMs. Some recent GMs have overcome their lack of athletic ability by being basketball “junkies,” working around the game for a long time before getting their chance as a scout or assistant coach. Mark Warkentien of the Nuggets, Chris Wallace of the Grizzlies and Jeff Bower of the Hornets match this description.<sup>288</sup> Additionally, several academics or polished businessmen impressed owners with their acumen enough to eventually earn a front office position. For example, Tim Howells, Jazz GM from 1989-99 was a season ticket holder involved in commercial real estate when he was hired as GM despite never having worked in basketball.<sup>289</sup> Stan Kasten, the GM of the Hawks from 1979 through 1990, first earned that role after impressing Hawks owner Ted Turner fresh out of Columbia Law School.

Any person with the hopes of becoming a NBA GM without playing in college or the NBA will most likely need to be academically inclined and seriously consider obtaining an advanced degree. While in the past people ascended to the GM position based largely on their education and business acumen, today’s GMs must have strong and practical basketball knowledge. In this regard, Rockets GM Daryl Morey might present the new and best path for non-players.<sup>290</sup> Morey might not be able to break down a big man’s footwork or a point guard’s court vision like an experienced player, coach or scout. His relatively unique ability to understand the value of objective statistics and data to examine the efficiency of a player or team, however, is increasingly valuable. Dr. James Naismith invented the game before the twentieth century and there are un-

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288. See Mark Warkentien Biography, NUGGETS.COM, [http://www.nba.com/nuggets/st-aff\\_directory/warkentien\\_bio.html](http://www.nba.com/nuggets/st-aff_directory/warkentien_bio.html) (last visited Oct. 29, 2010) (reviewing Warkentien’s career history); *Grizzlies Name Chris Wallace General Manager and Vice President of Basketball Operations*, GRIZZLIES.COM, June 18, 2007, [http://www.nba.com/grizzlies/news/wallace\\_named\\_vp\\_gm-070618.html](http://www.nba.com/grizzlies/news/wallace_named_vp_gm-070618.html) (relating Wallace’s career history); Jeff Bower Biography, NBA.COM, [http://www.nba.com/coachfile/jeff\\_bower/index.html](http://www.nba.com/coachfile/jeff_bower/index.html) (last visited Oct. 29, 2010) (describing Bower’s career history).

289. See *Jazz Losing Longtime GM*, CNN.COM, (Dec. 20, 1999, 6:51 PM), [http://sportsillustrated.cnn.com/basketball/nba/news/1999/12/20/jazz\\_howells\\_ap/](http://sportsillustrated.cnn.com/basketball/nba/news/1999/12/20/jazz_howells_ap/) (relating Howell’s expertise outside of professional basketball).

290. See Neel, *supra* note 274 (reviewing Daryl Morey’s biographical and career history).

likely to be any groundbreaking ideas on how to play the game.<sup>291</sup> Yet, providing new, more accurate and predictable methods of measuring a player's value can provide periods of competitive advantage.

PATH C: Non-Player	Did Not Play in College or NBA	Coached in College or NBA	Top 50 School	Advanced Degree
1988-89	8	1 (13%)	1 (13%)	7 (88%)
1998-99	5	1 (20%)	0 (0%)	2 (40%)
2008-09	4	2 (50%)	1 (25%)	1 (25%)

  

PATH C	Experience as a Scout	Other Front Office Position	Extensive Non- Basketball Experience	Avg. Years in Professional Basketball Prior to Becoming GM for First Time
1988-89	2 (25%)	4 (50%)	3 (38%)	5.1
1998-99	2 (40%)	4 (80%)	2 (40%)	7.4
2008-09	3 (75%)	4 (100%)	1 (25%)	10

#### 4. *Former Coach*

Forty-nine of the eighty-four GMs (58%) examined during the twenty year period previously coached either in the NBA or college. Forty-five of them (54%), coached in the NBA, making former coaches the most likely to land a NBA GM position of the four paths considered here. Although there is some overlap with Path A and Path B as many GMs who formerly coached also played in college and the NBA, if you are a college coach with aspirations of becoming a NBA GM, the best move would be become a NBA coach first.

Being a successful NBA coach is not necessarily required. Billy Cunningham, GM of the Heat from 1988-94, was the only GM of 1988-89 who previously won a NBA championship as a head coach, leading the 1982-83 76ers to the NBA title.<sup>292</sup> Additionally, there are two unique combination cases worth mentioning: Bill Russell, who was briefly GM of the Kings in the 1988-89 season, won two

291. See Biography of James Naismith, NAISMITHMUSEUM.COM, [http://www.naismithmuseum.com/naismith\\_drjamesnaismith/main\\_drjamesnaismith.htm](http://www.naismithmuseum.com/naismith_drjamesnaismith/main_drjamesnaismith.htm) (last visited Oct. 29, 2010) (listing biography of Dr. James Naismith, including Naismith's fame as inventor of basketball).

292. See Billy Cunningham Biography, *supra* note 235 (relating Cunningham's achievements prior to GM position).

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NBA titles as player-coach of the Celtics, and Pat Riley, GM and coach of the Heat, won four NBA titles as head coach of the Lakers.

PATH D: Former Coach	Coached in College or NBA	Coached in College	Coached in NBA	Coached in College & NBA
1988-89	14 (56%)	4 (29%)	13 (93%)	3 (21%)
1998-99	18 (62%)	8 (44%)	17 (94%)	7 (39%)
2008-09	17 (57%)	5 (29%)	15 (88%)	5 (29%)

  

PATH D	Experience as a Scout	Other Front Office Position	Extensive Non- Basketball Experience	Avg. Years in Professional Basketball Prior to Becoming GM for First Time
1988-89	3 (21%)	5 (36%)	0 (0%)	14.2
1998-99	3 (17%)	10 (56%)	2 (11%)	15.1
2008-09	8 (47%)	12 (71%)	0 (0%)	16.9

## IV. CONCLUSION

As discussed earlier, NBA front offices have grown dramatically in recent years to account for the variety of different and important tasks an organization must handle. Organizations typically have a single individual in charge each of these business functions including salary cap and contract analysis, scouting, finance, legal, marketing and media relations. In times past NBA GMs handled all or some of these roles while also making roster decisions and even coaching the team. Today, however, these positions are too difficult and time-consuming to be handled by just one person.

This article focused on the individuals who make the most important basketball decisions. For those interested in making the key basketball-related decisions for an organization, high level basketball experience, playing and/or coaching, is still generally required. While a lack of playing experience might make increase the difficulty in convincing a NBA owner that you sufficiently understand the professional game to handle GM duties, this lack of playing experience certainly does not preclude serving in any number of other important roles in an organization.

Nevertheless, just as baseball has undergone something of a transformation in the past decade, the NBA is possibly opening its mind to more basketball outsiders. MLB GM Billy Beane was able to lead the Oakland Athletics to the playoffs from 2000 through 2003 despite having a payroll below the league average in a league

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without a salary cap.<sup>293</sup> Whether the NBA experiences a similar change in thinking might depend on the success of Daryl Morey and the Rockets in a league that operates with a parity-inducing salary cap.

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293. See Howard Bryant, *The Revolutionary*, ESPN.COM (Jan. 15, 2010, 5:47 PM, ET), [http://sports.espn.go.com/espn/otl/columns/story?columnist=bryant\\_howard&id=4357166](http://sports.espn.go.com/espn/otl/columns/story?columnist=bryant_howard&id=4357166) (describing Beane's unconventional techniques).